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Title 3—

The President

Executive Order 13953 of September 30, 2020

Addressing the Threat to the Domestic Supply Chain From Reliance on Critical Minerals From Foreign Adversaries and Supporting the Domestic Mining and Processing Industries

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, find that a strong America cannot be dependent on imports from foreign adversaries for the critical minerals that are increasingly necessary to maintain our economic and military strength in the 21st century. Because of the national importance of reliable access to critical minerals, I signed Executive Order 13817 of December 20, 2017 (A Federal Strategy To Ensure Secure and Reliable Supplies of Critical Minerals), which required the Secretary of the Interior to identify critical minerals and made it the policy of the Federal Government ''to reduce the Nation's vulnerability to disruptions in the supply of critical minerals.'' Pursuant to my order, the Secretary of the Interior conducted a review with the assistance of other executive departments and agencies (agencies) that identified 35 minerals that (1) are ''essential to the economic and national security of the United States,'' (2) have supply chains that are ''vulnerable to disruption,'' and (3) serve ''an essential function in the manufacturing of a product, the absence of which would have significant consequences for our economy or our national security.''

These critical minerals are necessary inputs for the products our military, national infrastructure, and economy depend on the most. Our country needs critical minerals to make airplanes, computers, cell phones, electricity generation and transmission systems, and advanced electronics. Though these minerals are indispensable to our country, we presently lack the capacity to produce them in processed form in the quantities we need. American producers depend on foreign countries to supply and process them. For 31 of the 35 critical minerals, the United States imports more than half of its annual consumption. The United States has no domestic production for 14 of the critical minerals and is completely dependent on imports to supply its demand. Whereas the United States recognizes the continued importance of cooperation on supply chain issues with international partners and allies, in many cases, the aggressive economic practices of certain non-market foreign producers of critical minerals have destroyed vital mining and manufacturing jobs in the United States.

Our dependence on one country, the People's Republic of China (China), for multiple critical minerals is particularly concerning. The United States now imports 80 percent of its rare earth elements directly from China, with portions of the remainder indirectly sourced from China through other countries. In the 1980s, the United States produced more of these elements than any other country in the world, but China used aggressive economic practices to strategically flood the global market for rare earth elements and displace its competitors. Since gaining this advantage, China has exploited its position in the rare earth elements market by coercing industries that rely on these elements to locate their facilities, intellectual property,

and technology in China. For instance, multiple companies were forced to add factory capacity in China after it suspended exports of processed rare earth elements to Japan in 2010, threatening that country's industrial and defense sectors and disrupting rare earth elements prices worldwide.

The United States also disproportionately depends on foreign sources for barite. The United States imports over 75 percent of the barite it consumes, and over 50 percent of its barite imports come from China. Barite is of critical importance to the hydraulic fracturing (''fracking'') industry, which is vital to the energy independence of the United States. The United States depends on foreign sources for 100 percent of its gallium, with China producing around 95 percent of the global supply. Gallium-based semiconductors are indispensable for cellphones, blue and violet light-emitting diodes (LEDs), diode lasers, and fifth-generation (5G) telecommunications. Like for gallium, the United States is 100 percent reliant on imports for graphite, which is used to make advanced batteries for cellphones, laptops, and hybrid and electric cars. China produces over 60 percent of the world's graphite and almost all of the world's production of high-purity graphite needed for rechargeable batteries.

For these and other critical minerals identified by the Secretary of the Interior, we must reduce our vulnerability to adverse foreign government action, natural disaster, or other supply disruptions. Our national security, foreign policy, and economy require a consistent supply of each of these minerals.

I therefore determine that our Nation's undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United States, to the national security, foreign policy, and economy of the United States. I hereby declare a national emergency to deal with that threat.

In addition, I find that the United States must broadly enhance its mining and processing capacity, including for minerals not identified as critical minerals and not included within the national emergency declared in this order. By expanding and strengthening domestic mining and processing capacity today, we guard against the possibility of supply chain disruptions and future attempts by our adversaries or strategic competitors to harm our economy and military readiness. Moreover, additional domestic capacity will reduce United States and global dependence on minerals produced in countries that do not endorse and pursue appropriate minerals supply chain standards, leading to human rights violations, forced and child labor, violent conflict, and health and environmental damage. Finally, a stronger domestic mining and processing industry fosters a healthier and faster-growing economy for the United States. Mining and mineral processing provide jobs to hundreds of thousands of Americans whose daily work allows our country and the world to ''Buy American'' for critical technology.

I hereby determine and order:

Section 1. (a) To address the national emergency declared by this order, and pursuant to subsection 203(a)(1)(B) of IEEPA (50 U.S.C. 1702(a)(1)(B)), the Secretary of the Interior, in consultation with the Secretary of the Treasury, the Secretary of Defense, the Secretary of Commerce, and the heads of other agencies, as appropriate, shall investigate our Nation's undue reliance on critical minerals, in processed or unprocessed form, from foreign adversaries. The Secretary of the Interior shall submit a report to the President, through the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Assistant to the President for Trade and Manufacturing Policy, within 60 days of the date of this order. That report shall summarize any conclusions from this investigation and recommend executive action, which may include the imposition of tariffs or quotas, other import restrictions against China and other non-market foreign adversaries whose economic practices threaten to undermine

the health, growth, and resiliency of the United States, or other appropriate action, consistent with applicable law.

(b) By January 1, 2021, and every 180 days thereafter, the Secretary of the Interior, in consultation with the heads of other agencies, as appropriate, shall inform the President of the state of the threat posed by our Nation's reliance on critical minerals, in processed or unprocessed form, from foreign adversaries and recommend any additional actions necessary to address that threat.

(c) The Secretary of the Interior, in consultation with the heads of other agencies, as appropriate, is hereby authorized to submit recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of IEEPA (50 U.S.C. 1703(c)).

Sec. 2. (a) It is the policy of the United States that relevant agencies should, as appropriate and consistent with applicable law, prioritize the expansion and protection of the domestic supply chain for minerals and the establishment of secure critical minerals supply chains, and should direct agency resources to this purpose, such that:

(i) the United States develops secure critical minerals supply chains that do not depend on resources or processing from foreign adversaries;

(ii) the United States establishes, expands, and strengthens commercially viable critical minerals mining and minerals processing capabilities; and

(iii) the United States develops globally competitive, substantial, and resilient domestic commercial supply chain capabilities for critical minerals mining and processing.

(b) Within 30 days of the date of this order, the heads of all relevant agencies shall each submit a report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, and the Assistant to the President for Economic Policy, that identifies all legal authorities and appropriations that the agency can use to meet the goals identified in subsection (a) of this section.

(c) Within 60 days of the date of this order, the heads of all relevant agencies shall each submit a report as provided in subsection (b) of this section that details the agency's strategy for using the legal authorities and appropriations identified pursuant to that subsection to meet the goals identified in subsection (a) of this section. The report shall explain how the agency's activities will be organized and how it proposes to coordinate relevant activities with other agencies.

(d) Within 60 days of the date of this order, the Director of the Office of Science and Technology Policy shall submit a report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Assistant to the President for Trade and Manufacturing Policy, that describes the current state of research and development activities undertaken by the Federal Government that relate to the mapping, extraction, processing, and use of minerals and that identifies future research and development needs and funding opportunities to strengthen domestic supply chains for minerals.

(e) Within 45 days of the date of this order, the Secretary of State, in consultation with the United States Trade Representative, shall submit a report to the President, through the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Assistant to the President for Trade and Manufacturing Policy, that details existing and planned efforts and policy options to:

(i) reduce the vulnerability of the United States to the disruption of critical mineral supply chains through cooperation and coordination with partners and allies, including the private sector;

(ii) build resilient critical mineral supply chains, including through initiatives to help allies build reliable critical mineral supply chains within their own territories;

(iii) promote responsible minerals sourcing, labor, and business practices; and

(iv) reduce the dependence of the United States on minerals produced using methods that do not adhere to responsible mining standards.

Sec. 3. The Secretary of the Interior, in consultation with the Secretary of Defense, shall consider whether the authority delegated at section 306 of Executive Order 13603 of March 16, 2012 (National Defense Resources Preparedness) can be used to establish a program to provide grants to procure or install production equipment for the production and processing of critical minerals in the United States.

Sec. 4. (a) Within 30 days of the date of this order, the Secretary of Energy shall develop and publish guidance (and, as appropriate, shall revoke, revise, or replace prior guidance, including loan solicitations) clarifying the extent to which projects that support domestic supply chains for minerals are eligible for loan guarantees pursuant to Title XVII of the Energy Policy Act of 2005, as amended (42 U.S.C. 16511 *et seq.*) (''Title XVII''), and for funding awards and loans pursuant to the Advanced Technology Vehicles Manufacturing incentive program established by section 136 of the Energy Independence and Security Act of 2007, as amended (42 U.S.C. 17013) (''the ATVM statute''). In developing such guidance, the Secretary:

(i) shall consider whether the relevant provisions of Title XVII can be interpreted in a manner that better promotes the expansion and protection of the domestic supply chain for minerals (including the development of new supply chains and the processing, remediation, and reuse of materials already in interstate commerce or otherwise available domestically);

(ii) shall examine the meaning of the terms ''avoid, reduce, or sequester'' and other key terms in section 16513(a) of title 42, United States Code, which provides that the Secretary ''may make guarantees under this section only for projects that—(1) avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and (2) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued'';

(iii) shall consider whether relevant provisions of the ATVM statute may be interpreted in a manner that better promotes the expansion and protection of the domestic supply chain for minerals (including the development of new supply chains and the processing, remediation, and reuse of materials already in interstate commerce or otherwise available domestically), including in such consideration the application of these provisions to minerals determined to be components installed for the purpose of meeting the performance requirements of advanced technology vehicles; and

(iv) shall examine the meaning of the terms ''qualifying components'' and other key terms in subsection 17013(a) of title 42, United States Code.

(b) Within 30 days of the date of this order, the Secretary of Energy shall review the Department of Energy's regulations (including any preambles thereto) interpreting Title XVII and the ATVM statute, including the regulations published at 81 *Fed. Reg.* 90,699 (Dec. 15, 2016) and 73 *Fed. Reg.* 66,721 (Nov. 12, 2008), and shall identify all such regulations that may warrant revision or reconsideration in order to expand and protect the domestic supply chain for minerals (including the development of new supply chains and the processing, remediation, and reuse of materials already in interstate commerce or otherwise available domestically). Within 90 days of the date of this order, the Secretary shall propose for notice and comment a rule or rules to revise or reconsider any such regulations for this purpose, as appropriate and consistent with applicable law.

Sec. 5. The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Secretary of the Army (acting through the Assistant Secretary of the Army for Civil Works), and the heads of all other relevant agencies shall, as appropriate and consistent with applicable law, use all available authorities to accelerate the issuance of permits and the completion of projects in connection with expanding and protecting the domestic supply chain for minerals.

Sec. 6. The Secretary of the Interior, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall examine all available authorities of their respective agencies and identify any such authorities that could be used to accelerate and encourage the development and reuse of historic coal waste areas, material on historic mining sites, and abandoned mining sites for the recovery of critical minerals.

Sec. 7. *Amendment.* Executive Order 13817 is hereby amended to add the following sentence to the end of section 2(b): ''This list shall be updated periodically, following the same process, to reflect current data on supply, demand, and concentration of production, as well as current policy priorities.''

Sec. 8. *Definitions.* As used in this order:

(a) the term ''critical minerals'' means the minerals and materials identified by the Secretary of the Interior pursuant to section 2(b) of Executive Order 13817, as amended by this order; and

(b) the term ''supply chain,'' when used with reference to minerals, includes the exploration, mining, concentration, separation, alloying, recycling, and reprocessing of minerals.

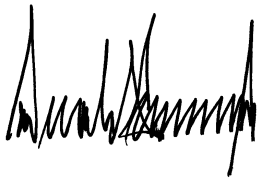
Sec. 9. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
September 30, 2020.

[FR Doc. 2020–22064
Filed 10–2–20; 8:45 am]
Billing code 3295–F1–P

Rules and Regulations

Federal Register

Vol. 85, No. 193

Monday, October 5, 2020

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. No. AMS–CN–20–0006]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2020 Amendments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations, decreasing the value assigned to imported cotton for the purposes of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This amendment is required each year to ensure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton. In addition, AMS is updating the Harmonized Tariff Schedule (HTS) statistical reporting numbers that were amended since the last assessment adjustment in 2019.

DATES: This direct rule is effective December 4, 2020, without further action or notice, unless significant adverse comment is received by November 4, 2020. If significant adverse comment is received, AMS will publish a timely withdrawal of the amendment in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the internet and can be retrieved by most internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–20–0006, may be submitted electronically through the *Federal eRulemaking Portal* at *http://www.regulations.gov.* Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery* to Cotton Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this document may be found at: *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Shethir M. Riva, Director, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361–2726, facsimile (540) 361–1199, or email at *Shethir.Riva@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Cotton Research and Promotion Act (7 U.S.C. 2101–2118) (Act) were enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624, 104 Stat. 3909, November 28, 1990). These amendments contained two provisions that authorized changes in the funding procedures for the Cotton Research and Promotion Program. These provisions provided for: (1) The assessment of imported cotton and cotton products; and (2) termination of refunds to cotton producers. (Prior to the 1990 amendments to the Act, producers could request assessment refunds.)

As amended, the Cotton Research and Promotion Order (7 CFR part 1205) (Order) was approved by producers and importers voting in a referendum held July 17–26, 1991, and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). A proposed rule implementing the amended Order was published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This direct final rule would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products. The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of $1 per bale of cotton, which is equivalent to 500 pounds, or $1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Research and Promotion Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices,* a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2019 in the **Federal Register** (84 FR 55019) for the purpose of calculating assessments on imported cotton is $0.012222 per kilogram. Using the average weighted price received by U.S. farmers for Upland cotton for the calendar year 2019, this direct final rule would amend the new value of imported cotton to $0.011562 per kilogram to reflect the price received by U.S. farmers for Upland cotton during 2019.

An example of the complete assessment formula and how the figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500 × 0.453597).

$1 per bale assessment equals $0.002000 per pound or 0.2000 cents per pound (1/500) or $0.004409 per kg or 0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms.

The 2019 calendar year weighted average price received by producers for Upland cotton is $0.649 per pound or $1.431 per kg. (0.649 × 2.2046).

Five tenths of one percent of the average price equals $0.007153 per kg. (1.431 × 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg. and the supplemental assessment $0.007153 per kg., which equals $0.011562 per kg.

The current assessment on imported cotton is $0.012222 per kilogram of imported cotton. The revised assessment in this direct final rule is $0.011562, a decrease of $0.00066 per kilogram. This reflects the decrease in the average weighted price of Upland cotton received by U.S. farmers during the period January through December 2019.

The Import Assessment Table in section 1205.510(b)(3) of the Order indicates the total assessment rate ($ per kilogram) due for each Harmonized Tariff Schedule (HTS) number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates and any changes to the HTS numbers. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to ensure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

As described in this **Federal Register** document, the amendment to the value used to determine the Cotton Research and Promotion Program importer assessment will be updated to reflect the assessment already paid by U.S. farmers. For the reasons mentioned above, AMS finds that publishing a proposed rule and seeking public comment is unnecessary because the change is required annually by regulation in 7 CFR 1205.510.

Also, this direct-final rulemaking furthers the objectives of Executive Order 13563, which requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.''

AMS has used the direct rule rulemaking process since 2013 and has not received any adverse comments; however, if AMS does receives significant adverse comments during the comment period, it will publish, in a timely manner, a document in the **Federal Register** withdrawing this direct final rule. AMS will then address public comments in a subsequent proposed rule and final rule based on the proposed rule.

B. Regulatory Impact Analysis

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs'' ' (February 2, 2017).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary's ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration defines, in 13 CFR 121.201, small agricultural producers as those having annual receipts of no more than $1,000,000 and small ''Other Farm Product Raw Material Merchant Wholesalers'' (cotton merchants/importers) as having no more than 100 employees. The Cotton Board estimates 37,000 importers are subject to the rules and regulations issued pursuant to the Cotton Research and Promotion Order. According to the United States Census Bureau's ''2016 Survey of SUSB Annual Data Tables by Establishment Industry,'' most importers are considered small entities as defined by the Small Business Administration (13 CFR 121.201). This rule would only affect importers of cotton and cotton-containing products and would decrease the assessments paid by the importers under the Cotton Research and Promotion Order. The current assessment on imported cotton is $0.012222 per kilogram of imported cotton. The amended assessment would be $0.011562, which was calculated based on the 12-month weighted

average of price received by U.S. cotton farmers. Section 1205.510 of the Order, ''Levy of assessments'', provides ''The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States.'' In addition, section 1205.510 provides that the 12-month weighted average of prices received by U.S. farmers will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton.

Under the Cotton Research and Promotion Program, assessments are used by the Cotton Board to finance research and promotion programs designed to increase consumer demand for Upland cotton in the United States and international markets. In 2018 (the last audited year), producer assessments totaled $49.6 million and importer assessments totaled $38.5 million. According to the Cotton Board, should the volume of cotton products imported into the U.S. remain at the same level in 2020, one could expect a decrease of assessments by approximately $1,208,433.

Imported organic cotton and products may be exempt from assessment if eligible under section 1205.519 of the Order.

There are no Federal rules that duplicate, overlap, or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581–0093, National Research, Promotion, and Consumer Information Programs. This rule does not result in a change to the information collection and recordkeeping requirements previously approved.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because an amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1205 as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

■ 1. The authority citation for part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118; 7 U.S.C 7401.

■ 2. In § 1205.510, revise paragraph (b)(2) and the table in paragraph (b)(3) to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is $1.1562 cents per kilogram.

(3) * * *

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5007106010	0.2713	0.3136664
5007106020	0.2713	0.3136664
5007906010	0.2713	0.3136664
5007906020	0.2713	0.3136664
5112904000	0.1085	0.1254434
5112905000	0.1085	0.1254434
5112909010	0.1085	0.1254434
5112909090	0.1085	0.1254434
5201000500	1	1.1561608
5201001200	1	1.1561608
5201001400	1	1.1561608
5201001800	1	1.1561608
5201002200	1	1.1561608
5201002400	1	1.1561608
5201002800	1	1.1561608
5201003400	1	1.1561608
5201003800	1	1.1561608
5204110000	1.0526	1.2169749
5204190000	0.6316	0.7302312
5204200000	1.0526	1.2169749
5205111000	1	1.1561608
5205112000	1	1.1561608
5205121000	1	1.1561608
5205122000	1	1.1561608
5205131000	1	1.1561608
5205132000	1	1.1561608
5205141000	1	1.1561608
5205142000	1	1.1561608
5205151000	1	1.1561608
5205152000	1	1.1561608
5205210020	1.044	1.2070319
5205210090	1.044	1.2070319
5205220020	1.044	1.2070319
5205220090	1.044	1.2070319
5205230020	1.044	1.2070319
5205230090	1.044	1.2070319

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5205240020	1.044	1.2070319
5205240090	1.044	1.2070319
5205260020	1.044	1.2070319
5205260090	1.044	1.2070319
5205270020	1.044	1.2070319
5205270090	1.044	1.2070319
5205280020	1.044	1.2070319
5205280090	1.044	1.2070319
5205310000	1	1.1561608
5205320000	1	1.1561608
5205330000	1	1.1561608
5205340000	1	1.1561608
5205350000	1	1.1561608
5205410020	1.044	1.2070319
5205410090	1.044	1.2070319
5205420021	1.044	1.2070319
5205420029	1.044	1.2070319
5205420090	1.044	1.2070319
5205430021	1.044	1.2070319
5205430029	1.044	1.2070319
5205430090	1.044	1.2070319
5205440021	1.044	1.2070319
5205440029	1.044	1.2070319
5205440090	1.044	1.2070319
5205460021	1.044	1.2070319
5205460029	1.044	1.2070319
5205460090	1.044	1.2070319
5205470021	1.044	1.2070319
5205470029	1.044	1.2070319
5205470090	1.044	1.2070319
5205480020	1.044	1.2070319
5205480090	1.044	1.2070319
5206110000	0.7368	0.8518593
5206120000	0.7368	0.8518593
5206130000	0.7368	0.8518593
5206140000	0.7368	0.8518593
5206150000	0.7368	0.8518593
5206210000	0.7692	0.8893189
5206220000	0.7692	0.8893189
5206230000	0.7692	0.8893189
5206240000	0.7692	0.8893189
5206250000	0.7692	0.8893189
5206310000	0.7368	0.8518593
5206320000	0.7368	0.8518593
5206330000	0.7368	0.8518593
5206340000	0.7368	0.8518593
5206350000	0.7368	0.8518593
5206410000	0.7692	0.8893189
5206420000	0.7692	0.8893189
5206430000	0.7692	0.8893189
5206440000	0.7692	0.8893189
5206450000	0.7692	0.8893189
5207100000	0.9474	1.0953468
5207900000	0.6316	0.7302312
5208112020	1.0852	1.2546657
5208112040	1.0852	1.2546657
5208112090	1.0852	1.2546657
5208114020	1.0852	1.2546657
5208114040	1.0852	1.2546657
5208114060	1.0852	1.2546657
5208114090	1.0852	1.2546657
5208116000	1.0852	1.2546657
5208118020	1.0852	1.2546657
5208118090	1.0852	1.2546657
5208124020	1.0852	1.2546657
5208124040	1.0852	1.2546657
5208124090	1.0852	1.2546657
5208126020	1.0852	1.2546657
5208126040	1.0852	1.2546657

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5208126060	1.0852	1.2546657
5208126090	1.0852	1.2546657
5208128020	1.0852	1.2546657
5208128090	1.0852	1.2546657
5208130000	1.0852	1.2546657
5208192020	1.0852	1.2546657
5208192090	1.0852	1.2546657
5208194020	1.0852	1.2546657
5208194090	1.0852	1.2546657
5208196020	1.0852	1.2546657
5208196090	1.0852	1.2546657
5208198020	1.0852	1.2546657
5208198090	1.0852	1.2546657
5208212020	1.0852	1.2546657
5208212040	1.0852	1.2546657
5208212090	1.0852	1.2546657
5208214020	1.0852	1.2546657
5208214040	1.0852	1.2546657
5208214060	1.0852	1.2546657
5208214090	1.0852	1.2546657
5208216020	1.0852	1.2546657
5208216090	1.0852	1.2546657
5208224020	1.0852	1.2546657
5208224040	1.0852	1.2546657
5208224090	1.0852	1.2546657
5208226020	1.0852	1.2546657
5208226040	1.0852	1.2546657
5208226060	1.0852	1.2546657
5208226090	1.0852	1.2546657
5208228020	1.0852	1.2546657
5208228090	1.0852	1.2546657
5208230000	1.0852	1.2546657
5208292020	1.0852	1.2546657
5208292090	1.0852	1.2546657
5208294020	1.0852	1.2546657
5208294090	1.0852	1.2546657
5208296020	1.0852	1.2546657
5208296090	1.0852	1.2546657
5208298020	1.0852	1.2546657
5208298090	1.0852	1.2546657
5208312000	1.0852	1.2546657
5208314020	1.0852	1.2546657
5208314040	1.0852	1.2546657
5208314090	1.0852	1.2546657
5208316020	1.0852	1.2546657
5208316040	1.0852	1.2546657
5208316060	1.0852	1.2546657
5208316090	1.0852	1.2546657
5208318020	1.0852	1.2546657
5208318090	1.0852	1.2546657
5208321000	1.0852	1.2546657
5208323020	1.0852	1.2546657
5208323040	1.0852	1.2546657
5208323090	1.0852	1.2546657
5208324020	1.0852	1.2546657
5208324040	1.0852	1.2546657
5208324060	1.0852	1.2546657
5208324090	1.0852	1.2546657
5208325020	1.0852	1.2546657
5208325090	1.0852	1.2546657
5208330000	1.0852	1.2546657
5208392020	1.0852	1.2546657
5208392090	1.0852	1.2546657
5208394020	1.0852	1.2546657
5208394090	1.0852	1.2546657
5208396020	1.0852	1.2546657
5208396090	1.0852	1.2546657
5208398020	1.0852	1.2546657
5208398090	1.0852	1.2546657

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5208412000	1.0852	1.2546657
5208414000	1.0852	1.2546657
5208416000	1.0852	1.2546657
5208418000	1.0852	1.2546657
5208421000	1.0852	1.2546657
5208423000	1.0852	1.2546657
5208424000	1.0852	1.2546657
5208425000	1.0852	1.2546657
5208430000	1.0852	1.2546657
5208492000	1.0852	1.2546657
5208494010	1.0852	1.2546657
5208494020	1.0852	1.2546657
5208494090	1.0852	1.2546657
5208496010	1.0852	1.2546657
5208496020	1.0852	1.2546657
5208496030	1.0852	1.2546657
5208496090	1.0852	1.2546657
5208498020	1.0852	1.2546657
5208498090	1.0852	1.2546657
5208512000	1.0852	1.2546657
5208514020	1.0852	1.2546657
5208514040	1.0852	1.2546657
5208514090	1.0852	1.2546657
5208516020	1.0852	1.2546657
5208516040	1.0852	1.2546657
5208516060	1.0852	1.2546657
5208516090	1.0852	1.2546657
5208518020	1.0852	1.2546657
5208518090	1.0852	1.2546657
5208521000	1.0852	1.2546657
5208523020	1.0852	1.2546657
5208523035	1.0852	1.2546657
5208523045	1.0852	1.2546657
5208523090	1.0852	1.2546657
5208524020	1.0852	1.2546657
5208524035	1.0852	1.2546657
5208524045	1.0852	1.2546657
5208524055	1.0852	1.2546657
5208524065	1.0852	1.2546657
5208524090	1.0852	1.2546657
5208525020	1.0852	1.2546657
5208525090	1.0852	1.2546657
5208591000	1.0852	1.2546657
5208592015	1.0852	1.2546657
5208592025	1.0852	1.2546657
5208592085	1.0852	1.2546657
5208592095	1.0852	1.2546657
5208594020	1.0852	1.2546657
5208594090	1.0852	1.2546657
5208596020	1.0852	1.2546657
5208596090	1.0852	1.2546657
5208598020	1.0852	1.2546657
5208598090	1.0852	1.2546657
5209110020	1.0309	1.1918862
5209110025	1.0309	1.1918862
5209110035	1.0309	1.1918862
5209110050	1.0309	1.1918862
5209110090	1.0309	1.1918862
5209120020	1.0309	1.1918862
5209120040	1.0309	1.1918862
5209190020	1.0309	1.1918862
5209190040	1.0309	1.1918862
5209190060	1.0309	1.1918862
5209190090	1.0309	1.1918862
5209210020	1.0309	1.1918862
5209210025	1.0309	1.1918862
5209210035	1.0309	1.1918862
5209210050	1.0309	1.1918862
5209210090	1.0309	1.1918862

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5209220020	1.0309	1.1918862
5209220040	1.0309	1.1918862
5209290020	1.0309	1.1918862
5209290040	1.0309	1.1918862
5209290060	1.0309	1.1918862
5209290090	1.0309	1.1918862
5209313000	1.0309	1.1918862
5209316020	1.0309	1.1918862
5209316025	1.0309	1.1918862
5209316035	1.0309	1.1918862
5209316050	1.0309	1.1918862
5209316090	1.0309	1.1918862
5209320020	1.0309	1.1918862
5209320040	1.0309	1.1918862
5209390020	1.0309	1.1918862
5209390040	1.0309	1.1918862
5209390060	1.0309	1.1918862
5209390080	1.0309	1.1918862
5209390090	1.0309	1.1918862
5209413000	1.0309	1.1918862
5209416020	1.0309	1.1918862
5209416040	1.0309	1.1918862
5209420020	0.9767	1.1292223
5209420040	0.9767	1.1292223
5209420060	0.9767	1.1292223
5209420080	0.9767	1.1292223
5209430030	1.0309	1.1918862
5209430050	1.0309	1.1918862
5209490020	1.0309	1.1918862
5209490040	1.0309	1.1918862
5209490090	1.0309	1.1918862
5209513000	1.0309	1.1918862
5209516015	1.0852	1.2546657
5209516025	1.0852	1.2546657
5209516032	1.0852	1.2546657
5209516035	1.0852	1.2546657
5209516050	1.0852	1.2546657
5209516090	1.0852	1.2546657
5209520020	1.0852	1.2546657
5209520040	1.0852	1.2546657
5209590015	1.0852	1.2546657
5209590025	1.0852	1.2546657
5209590040	1.0852	1.2546657
5209590060	1.0852	1.2546657
5209590090	1.0852	1.2546657
5210114020	0.6511	0.7527763
5210114040	0.6511	0.7527763
5210114090	0.6511	0.7527763
5210116020	0.6511	0.7527763
5210116040	0.6511	0.7527763
5210116060	0.6511	0.7527763
5210116090	0.6511	0.7527763
5210118020	0.6511	0.7527763
5210118090	0.6511	0.7527763
5210191000	0.6511	0.7527763
5210192020	0.6511	0.7527763
5210192090	0.6511	0.7527763
5210194020	0.6511	0.7527763
5210194090	0.6511	0.7527763
5210196020	0.6511	0.7527763
5210196090	0.6511	0.7527763
5210198020	0.6511	0.7527763
5210198090	0.6511	0.7527763
5210214020	0.6511	0.7527763
5210214040	0.6511	0.7527763
5210214090	0.6511	0.7527763
5210216020	0.6511	0.7527763
5210216040	0.6511	0.7527763
5210216060	0.6511	0.7527763

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5210216090	0.6511	0.7527763
5210218020	0.6511	0.7527763
5210218090	0.6511	0.7527763
5210291000	0.6511	0.7527763
5210292020	0.6511	0.7527763
5210292090	0.6511	0.7527763
5210294020	0.6511	0.7527763
5210294090	0.6511	0.7527763
5210296020	0.6511	0.7527763
5210296090	0.6511	0.7527763
5210298020	0.6511	0.7527763
5210298090	0.6511	0.7527763
5210314020	0.6511	0.7527763
5210314040	0.6511	0.7527763
5210314090	0.6511	0.7527763
5210316020	0.6511	0.7527763
5210316040	0.6511	0.7527763
5210316060	0.6511	0.7527763
5210316090	0.6511	0.7527763
5210318020	0.6511	0.7527763
5210318090	0.6511	0.7527763
5210320000	0.6511	0.7527763
5210392020	0.6511	0.7527763
5210392090	0.6511	0.7527763
5210394020	0.6511	0.7527763
5210394090	0.6511	0.7527763
5210396020	0.6511	0.7527763
5210396090	0.6511	0.7527763
5210398020	0.6511	0.7527763
5210398090	0.6511	0.7527763
5210414000	0.6511	0.7527763
5210416000	0.6511	0.7527763
5210418000	0.6511	0.7527763
5210491000	0.6511	0.7527763
5210492000	0.6511	0.7527763
5210494010	0.6511	0.7527763
5210494020	0.6511	0.7527763
5210494090	0.6511	0.7527763
5210496010	0.6511	0.7527763
5210496020	0.6511	0.7527763
5210496090	0.6511	0.7527763
5210498020	0.6511	0.7527763
5210498090	0.6511	0.7527763
5210514020	0.6511	0.7527763
5210514040	0.6511	0.7527763
5210514090	0.6511	0.7527763
5210516020	0.6511	0.7527763
5210516040	0.6511	0.7527763
5210516060	0.6511	0.7527763
5210516090	0.6511	0.7527763
5210518020	0.6511	0.7527763
5210518090	0.6511	0.7527763
5210591000	0.6511	0.7527763
5210592020	0.6511	0.7527763
5210592090	0.6511	0.7527763
5210594020	0.6511	0.7527763
5210594090	0.6511	0.7527763
5210596020	0.6511	0.7527763
5210596090	0.6511	0.7527763
5210598020	0.6511	0.7527763
5210598090	0.6511	0.7527763
5211110020	0.6511	0.7527763
5211110025	0.6511	0.7527763
5211110035	0.6511	0.7527763
5211110050	0.6511	0.7527763
5211110090	0.6511	0.7527763
5211120020	0.6511	0.7527763
5211120040	0.6511	0.7527763
5211190020	0.6511	0.7527763

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5211190040	0.6511	0.7527763
5211190060	0.6511	0.7527763
5211190090	0.6511	0.7527763
5211202120	0.6511	0.7527763
5211202125	0.6511	0.7527763
5211202135	0.6511	0.7527763
5211202150	0.6511	0.7527763
5211202190	0.6511	0.7527763
5211202220	0.6511	0.7527763
5211202240	0.6511	0.7527763
5211202920	0.6511	0.7527763
5211202940	0.6511	0.7527763
5211202960	0.6511	0.7527763
5211202990	0.6511	0.7527763
5211310020	0.6511	0.7527763
5211310025	0.6511	0.7527763
5211310035	0.6511	0.7527763
5211310050	0.6511	0.7527763
5211310090	0.6511	0.7527763
5211320020	0.6511	0.7527763
5211320040	0.6511	0.7527763
5211390020	0.6511	0.7527763
5211390040	0.6511	0.7527763
5211390060	0.6511	0.7527763
5211390090	0.6511	0.7527763
5211410020	0.6511	0.7527763
5211410040	0.6511	0.7527763
5211420020	0.7054	0.8155558
5211420040	0.7054	0.8155558
5211420060	0.6511	0.7527763
5211420080	0.6511	0.7527763
5211430030	0.6511	0.7527763
5211430050	0.6511	0.7527763
5211490020	0.6511	0.7527763
5211490090	0.6511	0.7527763
5211510020	0.6511	0.7527763
5211510030	0.6511	0.7527763
5211510050	0.6511	0.7527763
5211510090	0.6511	0.7527763
5211520020	0.6511	0.7527763
5211520040	0.6511	0.7527763
5211590015	0.6511	0.7527763
5211590025	0.6511	0.7527763
5211590040	0.6511	0.7527763
5211590060	0.6511	0.7527763
5211590090	0.6511	0.7527763
5212111010	0.5845	0.6757760
5212111020	0.6231	0.7204038
5212116010	0.8681	1.0036632
5212116020	0.8681	1.0036632
5212116030	0.8681	1.0036632
5212116040	0.8681	1.0036632
5212116050	0.8681	1.0036632
5212116060	0.8681	1.0036632
5212116070	0.8681	1.0036632
5212116080	0.8681	1.0036632
5212116090	0.8681	1.0036632
5212121010	0.5845	0.6757760
5212121020	0.6231	0.7204038
5212126010	0.8681	1.0036632
5212126020	0.8681	1.0036632
5212126030	0.8681	1.0036632
5212126040	0.8681	1.0036632
5212126050	0.8681	1.0036632
5212126060	0.8681	1.0036632
5212126070	0.8681	1.0036632
5212126080	0.8681	1.0036632
5212126090	0.8681	1.0036632
5212131010	0.5845	0.6757760

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5212131020	0.6231	0.7204038
5212136010	0.8681	1.0036632
5212136020	0.8681	1.0036632
5212136030	0.8681	1.0036632
5212136040	0.8681	1.0036632
5212136050	0.8681	1.0036632
5212136060	0.8681	1.0036632
5212136070	0.8681	1.0036632
5212136080	0.8681	1.0036632
5212136090	0.8681	1.0036632
5212141010	0.5845	0.6757760
5212141020	0.6231	0.7204038
5212146010	0.8681	1.0036632
5212146020	0.8681	1.0036632
5212146030	0.8681	1.0036632
5212146090	0.8681	1.0036632
5212151010	0.5845	0.6757760
5212151020	0.6231	0.7204038
5212156010	0.8681	1.0036632
5212156020	0.8681	1.0036632
5212156030	0.8681	1.0036632
5212156040	0.8681	1.0036632
5212156050	0.8681	1.0036632
5212156060	0.8681	1.0036632
5212156070	0.8681	1.0036632
5212156080	0.8681	1.0036632
5212156090	0.8681	1.0036632
5212211010	0.5845	0.6757760
5212211020	0.6231	0.7204038
5212216010	0.8681	1.0036632
5212216020	0.8681	1.0036632
5212216030	0.8681	1.0036632
5212216040	0.8681	1.0036632
5212216050	0.8681	1.0036632
5212216060	0.8681	1.0036632
5212216090	0.8681	1.0036632
5212221010	0.5845	0.6757760
5212221020	0.6231	0.7204038
5212226010	0.8681	1.0036632
5212226020	0.8681	1.0036632
5212226030	0.8681	1.0036632
5212226040	0.8681	1.0036632
5212226050	0.8681	1.0036632
5212226060	0.8681	1.0036632
5212226090	0.8681	1.0036632
5212231010	0.5845	0.6757760
5212231020	0.6231	0.7204038
5212236010	0.8681	1.0036632
5212236020	0.8681	1.0036632
5212236030	0.8681	1.0036632
5212236040	0.8681	1.0036632
5212236050	0.8681	1.0036632
5212236060	0.8681	1.0036632
5212236090	0.8681	1.0036632
5212241010	0.5845	0.6757760
5212241020	0.6231	0.7204038
5212246010	0.8681	1.0036632
5212246020	0.7054	0.8155558
5212246030	0.8681	1.0036632
5212246040	0.8681	1.0036632
5212246090	0.8681	1.0036632
5212251010	0.5845	0.6757760
5212251020	0.6231	0.7204038
5212256010	0.8681	1.0036632
5212256020	0.8681	1.0036632
5212256030	0.8681	1.0036632
5212256040	0.8681	1.0036632
5212256050	0.8681	1.0036632
5212256060	0.8681	1.0036632

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5212256090	0.8681	1.0036632
5309213005	0.5426	0.6273329
5309213010	0.5426	0.6273329
5309213015	0.5426	0.6273329
5309213020	0.5426	0.6273329
5309214010	0.2713	0.3136664
5309214090	0.2713	0.3136664
5309293005	0.5426	0.6273329
5309293010	0.5426	0.6273329
5309293015	0.5426	0.6273329
5309293020	0.5426	0.6273329
5309294010	0.2713	0.3136664
5309294090	0.2713	0.3136664
5311003005	0.5426	0.6273329
5311003010	0.5426	0.6273329
5311003015	0.5426	0.6273329
5311003020	0.5426	0.6273329
5311004010	0.8681	1.0036632
5311004020	0.8681	1.0036632
5407810010	0.5426	0.6273329
5407810020	0.5426	0.6273329
5407810030	0.5426	0.6273329
5407810040	0.5426	0.6273329
5407810090	0.5426	0.6273329
5407820010	0.5426	0.6273329
5407820020	0.5426	0.6273329
5407820030	0.5426	0.6273329
5407820040	0.5426	0.6273329
5407820090	0.5426	0.6273329
5407830010	0.5426	0.6273329
5407830020	0.5426	0.6273329
5407830030	0.5426	0.6273329
5407830040	0.5426	0.6273329
5407830090	0.5426	0.6273329
5407840010	0.5426	0.6273329
5407840020	0.5426	0.6273329
5407840030	0.5426	0.6273329
5407840040	0.5426	0.6273329
5407840090	0.5426	0.6273329
5509210000	0.1053	0.1217437
5509220010	0.1053	0.1217437
5509220090	0.1053	0.1217437
5509530030	0.3158	0.3651156
5509530060	0.3158	0.3651156
5509620000	0.5263	0.6084874
5509920000	0.5263	0.6084874
5510300000	0.3684	0.4259296
5511200000	0.3158	0.3651156
5512110010	0.1085	0.1254434
5512110022	0.1085	0.1254434
5512110027	0.1085	0.1254434
5512110030	0.1085	0.1254434
5512110040	0.1085	0.1254434
5512110050	0.1085	0.1254434
5512110060	0.1085	0.1254434
5512110070	0.1085	0.1254434
5512110090	0.1085	0.1254434
5512190005	0.1085	0.1254434
5512190010	0.1085	0.1254434
5512190015	0.1085	0.1254434
5512190022	0.1085	0.1254434
5512190027	0.1085	0.1254434
5512190030	0.1085	0.1254434
5512190035	0.1085	0.1254434
5512190040	0.1085	0.1254434
5512190045	0.1085	0.1254434
5512190050	0.1085	0.1254434
5512190090	0.1085	0.1254434
5512210010	0.0326	0.0376908

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5512210020	0.0326	0.0376908
5512210030	0.0326	0.0376908
5512210040	0.0326	0.0376908
5512210060	0.0326	0.0376908
5512210070	0.0326	0.0376908
5512210090	0.0326	0.0376908
5512290010	0.217	0.2508869
5512910010	0.0543	0.0627795
5512990005	0.0543	0.0627795
5512990010	0.0543	0.0627795
5512990015	0.0543	0.0627795
5512990020	0.0543	0.0627795
5512990025	0.0543	0.0627795
5512990030	0.0543	0.0627795
5512990035	0.0543	0.0627795
5512990040	0.0543	0.0627795
5512990045	0.0543	0.0627795
5512990090	0.0543	0.0627795
5513110020	0.3581	0.4140212
5513110040	0.3581	0.4140212
5513110060	0.3581	0.4140212
5513110090	0.3581	0.4140212
5513120000	0.3581	0.4140212
5513130020	0.3581	0.4140212
5513130040	0.3581	0.4140212
5513130090	0.3581	0.4140212
5513190010	0.3581	0.4140212
5513190020	0.3581	0.4140212
5513190030	0.3581	0.4140212
5513190040	0.3581	0.4140212
5513190050	0.3581	0.4140212
5513190060	0.3581	0.4140212
5513190090	0.3581	0.4140212
5513210020	0.3581	0.4140212
5513210040	0.3581	0.4140212
5513210060	0.3581	0.4140212
5513210090	0.3581	0.4140212
5513230121	0.3581	0.4140212
5513230141	0.3581	0.4140212
5513230191	0.3581	0.4140212
5513290010	0.3581	0.4140212
5513290020	0.3581	0.4140212
5513290030	0.3581	0.4140212
5513290040	0.3581	0.4140212
5513290050	0.3581	0.4140212
5513290060	0.3581	0.4140212
5513290090	0.3581	0.4140212
5513310000	0.3581	0.4140212
5513390111	0.3581	0.4140212
5513390115	0.3581	0.4140212
5513390191	0.3581	0.4140212
5513410020	0.3581	0.4140212
5513410040	0.3581	0.4140212
5513410060	0.3581	0.4140212
5513410090	0.3581	0.4140212
5513491000	0.3581	0.4140212
5513492020	0.3581	0.4140212
5513492040	0.3581	0.4140212
5513492090	0.3581	0.4140212
5513499010	0.3581	0.4140212
5513499020	0.3581	0.4140212
5513499030	0.3581	0.4140212
5513499040	0.3581	0.4140212
5513499050	0.3581	0.4140212
5513499060	0.3581	0.4140212
5513499090	0.3581	0.4140212
5514110020	0.4341	0.5018894
5514110030	0.4341	0.5018894
5514110050	0.4341	0.5018894

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5514110090	0.4341	0.5018894
5514120020	0.4341	0.5018894
5514120040	0.4341	0.5018894
5514191020	0.4341	0.5018894
5514191040	0.4341	0.5018894
5514191090	0.4341	0.5018894
5514199010	0.4341	0.5018894
5514199020	0.4341	0.5018894
5514199030	0.4341	0.5018894
5514199040	0.4341	0.5018894
5514199090	0.4341	0.5018894
5514210020	0.4341	0.5018894
5514210030	0.4341	0.5018894
5514210050	0.4341	0.5018894
5514210090	0.4341	0.5018894
5514220020	0.4341	0.5018894
5514220040	0.4341	0.5018894
5514230020	0.4341	0.5018894
5514230040	0.4341	0.5018894
5514230090	0.4341	0.5018894
5514290010	0.4341	0.5018894
5514290020	0.4341	0.5018894
5514290030	0.4341	0.5018894
5514290040	0.4341	0.5018894
5514290090	0.4341	0.5018894
5514303100	0.4341	0.5018894
5514303210	0.4341	0.5018894
5514303215	0.4341	0.5018894
5514303280	0.4341	0.5018894
5514303310	0.4341	0.5018894
5514303390	0.4341	0.5018894
5514303910	0.4341	0.5018894
5514303920	0.4341	0.5018894
5514303990	0.4341	0.5018894
5514410020	0.4341	0.5018894
5514410030	0.4341	0.5018894
5514410050	0.4341	0.5018894
5514410090	0.4341	0.5018894
5514420020	0.4341	0.5018894
5514420040	0.4341	0.5018894
5514430020	0.4341	0.5018894
5514430040	0.4341	0.5018894
5514430090	0.4341	0.5018894
5514490010	0.4341	0.5018894
5514490020	0.4341	0.5018894
5514490030	0.4341	0.5018894
5514490040	0.4341	0.5018894
5514490090	0.4341	0.5018894
5515110005	0.1085	0.1254434
5515110010	0.1085	0.1254434
5515110015	0.1085	0.1254434
5515110020	0.1085	0.1254434
5515110025	0.1085	0.1254434
5515110030	0.1085	0.1254434
5515110035	0.1085	0.1254434
5515110040	0.1085	0.1254434
5515110045	0.1085	0.1254434
5515110090	0.1085	0.1254434
5515120010	0.1085	0.1254434
5515120022	0.1085	0.1254434
5515120027	0.1085	0.1254434
5515120030	0.1085	0.1254434
5515120040	0.1085	0.1254434
5515120090	0.1085	0.1254434
5515190005	0.1085	0.1254434
5515190010	0.1085	0.1254434
5515190015	0.1085	0.1254434
5515190020	0.1085	0.1254434
5515190025	0.1085	0.1254434

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5515190030	0.1085	0.1254434
5515190035	0.1085	0.1254434
5515190040	0.1085	0.1254434
5515190045	0.1085	0.1254434
5515190090	0.1085	0.1254434
5515290005	0.1085	0.1254434
5515290010	0.1085	0.1254434
5515290015	0.1085	0.1254434
5515290020	0.1085	0.1254434
5515290025	0.1085	0.1254434
5515290030	0.1085	0.1254434
5515290035	0.1085	0.1254434
5515290040	0.1085	0.1254434
5515290045	0.1085	0.1254434
5515290090	0.1085	0.1254434
5515999005	0.1085	0.1254434
5515999010	0.1085	0.1254434
5515999015	0.1085	0.1254434
5515999020	0.1085	0.1254434
5515999025	0.1085	0.1254434
5515999030	0.1085	0.1254434
5515999035	0.1085	0.1254434
5515999040	0.1085	0.1254434
5515999045	0.1085	0.1254434
5515999090	0.1085	0.1254434
5516210010	0.1085	0.1254434
5516210020	0.1085	0.1254434
5516210030	0.1085	0.1254434
5516210040	0.1085	0.1254434
5516210090	0.1085	0.1254434
5516220010	0.1085	0.1254434
5516220020	0.1085	0.1254434
5516220030	0.1085	0.1254434
5516220040	0.1085	0.1254434
5516220090	0.1085	0.1254434
5516230010	0.1085	0.1254434
5516230020	0.1085	0.1254434
5516230030	0.1085	0.1254434
5516230040	0.1085	0.1254434
5516230090	0.1085	0.1254434
5516240010	0.1085	0.1254434
5516240020	0.1085	0.1254434
5516240030	0.1085	0.1254434
5516240040	0.1085	0.1254434
5516240085	0.1085	0.1254434
5516240095	0.1085	0.1254434
5516410010	0.3798	0.4391099
5516410022	0.3798	0.4391099
5516410027	0.3798	0.4391099
5516410030	0.3798	0.4391099
5516410040	0.3798	0.4391099
5516410050	0.3798	0.4391099
5516410060	0.3798	0.4391099
5516410070	0.3798	0.4391099
5516410090	0.3798	0.4391099
5516420010	0.3798	0.4391099
5516420022	0.3798	0.4391099
5516420027	0.3798	0.4391099
5516420030	0.3798	0.4391099
5516420040	0.3798	0.4391099
5516420050	0.3798	0.4391099
5516420060	0.3798	0.4391099
5516420070	0.3798	0.4391099
5516420090	0.3798	0.4391099
5516430010	0.217	0.2508869
5516430015	0.3798	0.4391099
5516430020	0.3798	0.4391099
5516430035	0.3798	0.4391099
5516430080	0.3798	0.4391099

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5516440010	0.3798	0.4391099
5516440022	0.3798	0.4391099
5516440027	0.3798	0.4391099
5516440030	0.3798	0.4391099
5516440040	0.3798	0.4391099
5516440050	0.3798	0.4391099
5516440060	0.3798	0.4391099
5516440070	0.3798	0.4391099
5516440090	0.3798	0.4391099
5516910010	0.0543	0.0627795
5516910020	0.0543	0.0627795
5516910030	0.0543	0.0627795
5516910040	0.0543	0.0627795
5516910050	0.0543	0.0627795
5516910060	0.0543	0.0627795
5516910070	0.0543	0.0627795
5516910090	0.0543	0.0627795
5516920010	0.0543	0.0627795
5516920020	0.0543	0.0627795
5516920030	0.0543	0.0627795
5516920040	0.0543	0.0627795
5516920050	0.0543	0.0627795
5516920060	0.0543	0.0627795
5516920070	0.0543	0.0627795
5516920090	0.0543	0.0627795
5516930010	0.0543	0.0627795
5516930020	0.0543	0.0627795
5516930090	0.0543	0.0627795
5516940010	0.0543	0.0627795
5516940020	0.0543	0.0627795
5516940030	0.0543	0.0627795
5516940040	0.0543	0.0627795
5516940050	0.0543	0.0627795
5516940060	0.0543	0.0627795
5516940070	0.0543	0.0627795
5516940090	0.0543	0.0627795
5601210010	0.9767	1.1292223
5601210090	0.9767	1.1292223
5601220010	0.9767	1.1292223
5601220090	0.9767	1.1292223
5601300000	0.3256	0.3764460
5602101000	0.0543	0.0627795
5602109090	0.4341	0.5018894
5602290000	0.4341	0.5018894
5602909000	0.3256	0.3764460
5603143000	0.2713	0.3136664
5603910010	0.0217	0.0250887
5603910090	0.0651	0.0752661
5603920010	0.0217	0.0250887
5603920090	0.0651	0.0752661
5603930010	0.0217	0.0250887
5603930090	0.0651	0.0752661
5603941090	0.3256	0.3764460
5603943000	0.1628	0.1882230
5603949010	0.0326	0.0376908
5604100000	0.2632	0.3043015
5604909000	0.2105	0.2433719
5605009000	0.1579	0.1825578
5606000010	0.1263	0.1460231
5606000090	0.1263	0.1460231
5607502500	0.1684	0.1946975
5607909000	0.8421	0.9736030
5608901000	1.0526	1.2169749
5608902300	0.6316	0.7302312
5608902700	0.6316	0.7302312
5608903000	0.3158	0.3651156
5609001000	0.8421	0.9736030
5609004000	0.2105	0.2433719
5701101300	0.0526	0.0608141

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5701101600	0.0526	0.0608141
5701104000	0.0526	0.0608141
5701109000	0.0526	0.0608141
5701901010	1	1.1561608
5701901020	1	1.1561608
5701901030	0.0526	0.0608141
5701901090	0.0526	0.0608141
5701902010	0.9474	1.0953468
5701902020	0.9474	1.0953468
5701902030	0.0526	0.0608141
5701902090	0.0526	0.0608141
5702101000	0.0447	0.0516804
5702109010	0.0447	0.0516804
5702109020	0.85	0.9827367
5702109030	0.0447	0.0516804
5702109090	0.0447	0.0516804
5702201000	0.0447	0.0516804
5702311000	0.0447	0.0516804
5702312000	0.0895	0.1034764
5702322000	0.0895	0.1034764
5702391000	0.0895	0.1034764
5702392010	0.8053	0.9310563
5702392090	0.0447	0.0516804
5702411000	0.0447	0.0516804
5702412000	0.0447	0.0516804
5702421000	0.0895	0.1034764
5702422020	0.0895	0.1034764
5702422080	0.0895	0.1034764
5702491020	0.8947	1.0344171
5702491080	0.8947	1.0344171
5702492000	0.0895	0.1034764
5702502000	0.0895	0.1034764
5702504000	0.0447	0.0516804
5702505200	0.0895	0.1034764
5702505600	0.85	0.9827367
5702912000	0.0447	0.0516804
5702913000	0.0447	0.0516804
5702914000	0.0447	0.0516804
5702921000	0.0447	0.0516804
5702929000	0.0447	0.0516804
5702990500	0.8947	1.0344171
5702991500	0.8947	1.0344171
5703201000	0.0452	0.0522585
5703202010	0.0452	0.0522585
5703302000	0.0452	0.0522585
5703900000	0.3615	0.4179521
5705001000	0.0452	0.0522585
5705002005	0.0452	0.0522585
5705002015	0.0452	0.0522585
5705002020	0.7682	0.8881627
5705002030	0.0452	0.0522585
5705002090	0.1808	0.2090339
5801210000	0.9767	1.1292223
5801221000	0.9767	1.1292223
5801229000	0.9767	1.1292223
5801230000	0.9767	1.1292223
5801260010	0.7596	0.8782198
5801260020	0.7596	0.8782198
5801271000	0.9767	1.1292223
5801275010	1.0852	1.2546657
5801275020	0.9767	1.1292223
5801310000	0.217	0.2508869
5801320000	0.217	0.2508869
5801330000	0.217	0.2508869
5801360010	0.217	0.2508869
5801360020	0.217	0.2508869
5802110000	1.0309	1.1918862
5802190000	1.0309	1.1918862
5802200020	0.1085	0.1254434

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5802200090	0.3256	0.3764460
5802300030	0.4341	0.5018894
5802300090	0.1085	0.1254434
5803001000	1.0852	1.2546657
5803002000	0.8681	1.0036632
5803003000	0.8681	1.0036632
5803005000	0.3256	0.3764460
5804101000	0.4341	0.5018894
5804109090	0.2193	0.2535461
5804291000	0.8772	1.0141843
5804300020	0.3256	0.3764460
5805001000	0.1085	0.1254434
5805003000	1.0852	1.2546657
5806101000	0.8681	1.0036632
5806103090	0.217	0.2508869
5806200010	0.2577	0.2979426
5806200090	0.2577	0.2979426
5806310000	0.8681	1.0036632
5806393080	0.217	0.2508869
5806400000	0.0814	0.0941115
5807100510	0.8681	1.0036632
5807102010	0.8681	1.0036632
5807900510	0.8681	1.0036632
5807902010	0.8681	1.0036632
5808104000	0.217	0.2508869
5808107000	0.217	0.2508869
5808900010	0.4341	0.5018894
5810100000	0.3256	0.3764460
5810910010	0.7596	0.8782198
5810910020	0.7596	0.8782198
5810921000	0.217	0.2508869
5810929030	0.217	0.2508869
5810929050	0.217	0.2508869
5810929080	0.217	0.2508869
5811002000	0.8681	1.0036632
5901102000	0.5643	0.6524215
5901904000	0.8139	0.9409993
5903101000	0.4341	0.5018894
5903103000	0.1085	0.1254434
5903201000	0.4341	0.5018894
5903203090	0.1085	0.1254434
5903901000	0.4341	0.5018894
5903903090	0.1085	0.1254434
5904901000	0.0326	0.0376908
5905001000	0.1085	0.1254434
5905009000	0.1085	0.1254434
5906100000	0.4341	0.5018894
5906911000	0.4341	0.5018894
5906913000	0.1085	0.1254434
5906991000	0.4341	0.5018894
5906993000	0.1085	0.1254434
5907002500	0.3798	0.4391099
5907003500	0.3798	0.4391099
5907008090	0.3798	0.4391099
5908000000	0.7813	0.9033084
5909001000	0.6837	0.7904671
5909002000	0.4883	0.5645533
5910001010	0.3798	0.4391099
5910001020	0.3798	0.4391099
5910001030	0.3798	0.4391099
5910001060	0.3798	0.4391099
5910001070	0.3798	0.4391099
5910001090	0.6837	0.7904671
5910009000	0.5697	0.6586648
5911101000	0.1736	0.2007095
5911102000	0.0434	0.0501774
5911201000	0.4341	0.5018894
5911310010	0.4341	0.5018894
5911310020	0.4341	0.5018894

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
5911310030	0.4341	0.5018894
5911310080	0.4341	0.5018894
5911320010	0.4341	0.5018894
5911320020	0.4341	0.5018894
5911320030	0.4341	0.5018894
5911320080	0.4341	0.5018894
5911400000	0.5426	0.6273329
5911900040	0.3158	0.3651156
5911900080	0.2105	0.2433719
6001106000	0.1096	0.1267152
6001210000	0.9868	1.1408995
6001220000	0.1096	0.1267152
6001290000	0.1096	0.1267152
6001910010	0.8772	1.0141843
6001910020	0.8772	1.0141843
6001920010	0.0548	0.0633576
6001920020	0.0548	0.0633576
6001920030	0.0548	0.0633576
6001920040	0.0548	0.0633576
6001999000	0.1096	0.1267152
6002404000	0.7401	0.8556746
6002408020	0.1974	0.2282261
6002408080	0.1974	0.2282261
6002904000	0.7895	0.9127890
6002908020	0.1974	0.2282261
6002908080	0.1974	0.2282261
6003201000	0.8772	1.0141843
6003203000	0.8772	1.0141843
6003301000	0.1096	0.1267152
6003306000	0.1096	0.1267152
6003401000	0.1096	0.1267152
6003406000	0.1096	0.1267152
6003901000	0.1096	0.1267152
6003909000	0.1096	0.1267152
6004100010	0.2961	0.3423392
6004100025	0.2961	0.3423392
6004100085	0.2961	0.3423392
6004902010	0.2961	0.3423392
6004902025	0.2961	0.3423392
6004902085	0.2961	0.3423392
6004909000	0.2961	0.3423392
6005210000	0.7127	0.8239958
6005220000	0.7127	0.8239958
6005230000	0.7127	0.8239958
6005240000	0.7127	0.8239958
6005360010	0.1096	0.1267152
6005360080	0.1096	0.1267152
6005370010	0.1096	0.1267152
6005370080	0.1096	0.1267152
6005380010	0.1096	0.1267152
6005380080	0.1096	0.1267152
6005390010	0.1096	0.1267152
6005390080	0.1096	0.1267152
6005410010	0.1096	0.1267152
6005410080	0.1096	0.1267152
6005420010	0.1096	0.1267152
6005420080	0.1096	0.1267152
6005430010	0.1096	0.1267152
6005430080	0.1096	0.1267152
6005440010	0.1096	0.1267152
6005440080	0.1096	0.1267152
6005909000	0.1096	0.1267152
6006211000	1.0965	1.2677303
6006219020	0.7675	0.8873534
6006219080	0.7675	0.8873534
6006221000	1.0965	1.2677303
6006229020	0.7675	0.8873534
6006229080	0.7675	0.8873534
6006231000	1.0965	1.2677303

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6006239020	0.7675	0.8873534
6006239080	0.7675	0.8873534
6006241000	1.0965	1.2677303
6006249020	0.7675	0.8873534
6006249080	0.7675	0.8873534
6006310020	0.3289	0.3802613
6006310040	0.3289	0.3802613
6006310060	0.3289	0.3802613
6006310080	0.3289	0.3802613
6006320020	0.3289	0.3802613
6006320040	0.3289	0.3802613
6006320060	0.3289	0.3802613
6006320080	0.3289	0.3802613
6006330020	0.3289	0.3802613
6006330040	0.3289	0.3802613
6006330060	0.3289	0.3802613
6006330080	0.3289	0.3802613
6006340020	0.3289	0.3802613
6006340040	0.3289	0.3802613
6006340060	0.3289	0.3802613
6006340080	0.3289	0.3802613
6006410025	0.3289	0.3802613
6006410085	0.3289	0.3802613
6006420025	0.3289	0.3802613
6006420085	0.3289	0.3802613
6006430025	0.3289	0.3802613
6006430085	0.3289	0.3802613
6006440025	0.3289	0.3802613
6006440085	0.3289	0.3802613
6006909000	0.1096	0.1267152
6101200010	1.02	1.1792840
6101200020	1.02	1.1792840
6101301000	0.2072	0.2395565
6101900500	0.1912	0.2210579
6101909010	0.5737	0.6632895
6101909030	0.51	0.5896420
6101909060	0.255	0.2948210
6102100000	0.255	0.2948210
6102200010	0.9562	1.1055210
6102200020	0.9562	1.1055210
6102300500	0.1785	0.2063747
6102909005	0.5737	0.6632895
6102909015	0.4462	0.5158790
6102909030	0.255	0.2948210
6103101000	0.0637	0.0736474
6103104000	0.1218	0.1408204
6103105000	0.1218	0.1408204
6103106010	0.8528	0.9859739
6103106015	0.8528	0.9859739
6103106030	0.8528	0.9859739
6103109010	0.5482	0.6338074
6103109020	0.5482	0.6338074
6103109030	0.5482	0.6338074
6103109040	0.1218	0.1408204
6103109050	0.1218	0.1408204
6103109080	0.1827	0.2112306
6103320000	0.8722	1.0084035
6103398010	0.7476	0.8643458
6103398030	0.3738	0.4321729
6103398060	0.2492	0.2881153
6103411010	0.3576	0.4134431
6103411020	0.3576	0.4134431
6103412000	0.3576	0.4134431
6103421020	0.8343	0.9645850
6103421035	0.8343	0.9645850
6103421040	0.8343	0.9645850
6103421050	0.8343	0.9645850
6103421065	0.8343	0.9645850
6103421070	0.8343	0.9645850

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6103422010	0.8343	0.9645850
6103422015	0.8343	0.9645850
6103422025	0.8343	0.9645850
6103431520	0.2384	0.2756287
6103431535	0.2384	0.2756287
6103431540	0.2384	0.2756287
6103431550	0.2384	0.2756287
6103431565	0.2384	0.2756287
6103431570	0.2384	0.2756287
6103432020	0.2384	0.2756287
6103432025	0.2384	0.2756287
6103491020	0.2437	0.2817564
6103491060	0.2437	0.2817564
6103492000	0.2437	0.2817564
6103498010	0.5482	0.6338074
6103498014	0.3655	0.4225768
6103498024	0.2437	0.2817564
6103498026	0.2437	0.2817564
6103498034	0.5482	0.6338074
6103498038	0.3655	0.4225768
6103498060	0.2437	0.2817564
6104196010	0.8722	1.0084035
6104196020	0.8722	1.0084035
6104196030	0.8722	1.0084035
6104196040	0.8722	1.0084035
6104198010	0.5607	0.6482594
6104198020	0.5607	0.6482594
6104198030	0.5607	0.6482594
6104198040	0.5607	0.6482594
6104198060	0.3738	0.4321729
6104198090	0.2492	0.2881153
6104320000	0.8722	1.0084035
6104392010	0.5607	0.6482594
6104392030	0.3738	0.4321729
6104392090	0.2492	0.2881153
6104420010	0.8528	0.9859739
6104420020	0.8528	0.9859739
6104499010	0.5482	0.6338074
6104499030	0.3655	0.4225768
6104499060	0.2437	0.2817564
6104520010	0.8822	1.0199651
6104520020	0.8822	1.0199651
6104598010	0.5672	0.6557744
6104598030	0.3781	0.4371444
6104598090	0.2521	0.2914681
6104610010	0.2384	0.2756287
6104610020	0.2384	0.2756287
6104610030	0.2384	0.2756287
6104621010	0.7509	0.8681612
6104621020	0.8343	0.9645850
6104621030	0.8343	0.9645850
6104622006	0.7151	0.8267706
6104622011	0.8343	0.9645850
6104622016	0.7151	0.8267706
6104622021	0.8343	0.9645850
6104622026	0.7151	0.8267706
6104622028	0.8343	0.9645850
6104622030	0.8343	0.9645850
6104622050	0.8343	0.9645850
6104622060	0.8343	0.9645850
6104631020	0.2384	0.2756287
6104631030	0.2384	0.2756287
6104632006	0.8343	0.9645850
6104632011	0.8343	0.9645850
6104632016	0.7151	0.8267706
6104632021	0.8343	0.9645850
6104632026	0.3576	0.4134431
6104632028	0.3576	0.4134431
6104632030	0.3576	0.4134431

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6104632050	0.7151	0.8267706
6104632060	0.3576	0.4134431
6104691000	0.3655	0.4225768
6104692030	0.3655	0.4225768
6104692060	0.3655	0.4225768
6104698010	0.5482	0.6338074
6104698014	0.3655	0.4225768
6104698020	0.2437	0.2817564
6104698022	0.5482	0.6338074
6104698026	0.3655	0.4225768
6104698038	0.2437	0.2817564
6104698040	0.2437	0.2817564
6105100010	0.9332	1.0789293
6105100020	0.9332	1.0789293
6105100030	0.9332	1.0789293
6105202010	0.2916	0.3371365
6105202020	0.2916	0.3371365
6105202030	0.2916	0.3371365
6105908010	0.5249	0.6068688
6105908030	0.3499	0.4045407
6105908060	0.2333	0.2697323
6106100010	0.9332	1.0789293
6106100020	0.9332	1.0789293
6106100030	0.9332	1.0789293
6106202010	0.2916	0.3371365
6106202020	0.4666	0.5394646
6106202030	0.2916	0.3371365
6106901500	0.0583	0.0674042
6106902510	0.5249	0.6068688
6106902530	0.3499	0.4045407
6106902550	0.2916	0.3371365
6106903010	0.5249	0.6068688
6106903030	0.3499	0.4045407
6106903040	0.2916	0.3371365
6107110010	1.0727	1.2402137
6107110020	1.0727	1.2402137
6107120010	0.4767	0.5511419
6107120020	0.4767	0.5511419
6107191000	0.1192	0.1378144
6107210010	0.8343	0.9645850
6107210020	0.7151	0.8267706
6107220010	0.3576	0.4134431
6107220015	0.1192	0.1378144
6107220025	0.2384	0.2756287
6107299000	0.1788	0.2067216
6107910030	1.1918	1.3779125
6107910040	1.1918	1.3779125
6107910090	0.9535	1.1023993
6107991030	0.3576	0.4134431
6107991040	0.3576	0.4134431
6107991090	0.3576	0.4134431
6107999000	0.1192	0.1378144
6108199010	1.0611	1.2268022
6108199030	0.2358	0.2726227
6108210010	1.179	1.3631136
6108210020	1.179	1.3631136
6108299000	0.3537	0.4089341
6108310010	1.0611	1.2268022
6108310020	1.0611	1.2268022
6108320010	0.2358	0.2726227
6108320015	0.2358	0.2726227
6108320025	0.2358	0.2726227
6108398000	0.3537	0.4089341
6108910005	1.179	1.3631136
6108910015	1.179	1.3631136
6108910025	1.179	1.3631136
6108910030	1.179	1.3631136
6108910040	1.179	1.3631136
6108920005	0.2358	0.2726227

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6108920015	0.2358	0.2726227
6108920025	0.2358	0.2726227
6108920030	0.2358	0.2726227
6108920040	0.2358	0.2726227
6108999000	0.3537	0.4089341
6109100004	1.0022	1.1587044
6109100007	1.0022	1.1587044
6109100011	1.0022	1.1587044
6109100012	1.0022	1.1587044
6109100014	1.0022	1.1587044
6109100018	1.0022	1.1587044
6109100023	1.0022	1.1587044
6109100027	1.0022	1.1587044
6109100037	1.0022	1.1587044
6109100040	1.0022	1.1587044
6109100045	1.0022	1.1587044
6109100060	1.0022	1.1587044
6109100065	1.0022	1.1587044
6109100070	1.0022	1.1587044
6109901007	0.2948	0.3408362
6109901009	0.2948	0.3408362
6109901013	0.2948	0.3408362
6109901025	0.2948	0.3408362
6109901047	0.2948	0.3408362
6109901049	0.2948	0.3408362
6109901050	0.2948	0.3408362
6109901060	0.2948	0.3408362
6109901065	0.2948	0.3408362
6109901070	0.2948	0.3408362
6109901075	0.2948	0.3408362
6109901090	0.2948	0.3408362
6109908010	0.3499	0.4045407
6109908030	0.2333	0.2697323
6110201010	0.7476	0.8643458
6110201020	0.7476	0.8643458
6110201022	0.7476	0.8643458
6110201024	0.7476	0.8643458
6110201026	0.7476	0.8643458
6110201029	0.7476	0.8643458
6110201031	0.7476	0.8643458
6110201033	0.7476	0.8643458
6110202005	1.1214	1.2965187
6110202010	1.1214	1.2965187
6110202015	1.1214	1.2965187
6110202020	1.1214	1.2965187
6110202025	1.1214	1.2965187
6110202030	1.1214	1.2965187
6110202035	1.1214	1.2965187
6110202041	1.0965	1.2677303
6110202044	1.0965	1.2677303
6110202046	1.0965	1.2677303
6110202049	1.0965	1.2677303
6110202067	1.0965	1.2677303
6110202069	1.0965	1.2677303
6110202077	1.0965	1.2677303
6110202079	1.0965	1.2677303
6110909010	0.5607	0.6482594
6110909012	0.1246	0.1440576
6110909014	0.3738	0.4321729
6110909026	0.5607	0.6482594
6110909028	0.1869	0.2160865
6110909030	0.3738	0.4321729
6110909044	0.5607	0.6482594
6110909046	0.5607	0.6482594
6110909052	0.3738	0.4321729
6110909054	0.3738	0.4321729
6110909064	0.2492	0.2881153
6110909066	0.2492	0.2881153
6110909067	0.5607	0.6482594

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6110909069	0.5607	0.6482594
6110909071	0.5607	0.6482594
6110909073	0.5607	0.6482594
6110909079	0.3738	0.4321729
6110909080	0.3738	0.4321729
6110909081	0.3738	0.4321729
6110909082	0.3738	0.4321729
6110909088	0.2492	0.2881153
6110909090	0.2492	0.2881153
6111201000	1.1918	1.3779125
6111202000	1.1918	1.3779125
6111203000	0.9535	1.1023993
6111204000	0.9535	1.1023993
6111205000	0.9535	1.1023993
6111206010	0.9535	1.1023993
6111206020	0.9535	1.1023993
6111206030	0.9535	1.1023993
6111206050	0.9535	1.1023993
6111206070	0.9535	1.1023993
6111301000	0.2384	0.2756287
6111302000	0.2384	0.2756287
6111303000	0.2384	0.2756287
6111304000	0.2384	0.2756287
6111305010	0.2384	0.2756287
6111305015	0.2384	0.2756287
6111305020	0.2384	0.2756287
6111305030	0.2384	0.2756287
6111305050	0.2384	0.2756287
6111305070	0.2384	0.2756287
6111901000	0.2384	0.2756287
6111902000	0.2384	0.2756287
6111903000	0.2384	0.2756287
6111904000	0.2384	0.2756287
6111905010	0.2384	0.2756287
6111905020	0.2384	0.2756287
6111905030	0.2384	0.2756287
6111905050	0.2384	0.2756287
6111905070	0.2384	0.2756287
6112110010	0.9535	1.1023993
6112110020	0.9535	1.1023993
6112110030	0.9535	1.1023993
6112110040	0.9535	1.1023993
6112110050	0.9535	1.1023993
6112110060	0.9535	1.1023993
6112120010	0.2384	0.2756287
6112120020	0.2384	0.2756287
6112120030	0.2384	0.2756287
6112120040	0.2384	0.2756287
6112120050	0.2384	0.2756287
6112120060	0.2384	0.2756287
6112191010	0.2492	0.2881153
6112191020	0.2492	0.2881153
6112191030	0.2492	0.2881153
6112191040	0.2492	0.2881153
6112191050	0.2492	0.2881153
6112191060	0.2492	0.2881153
6112201060	0.2492	0.2881153
6112201070	0.2492	0.2881153
6112201080	0.2492	0.2881153
6112201090	0.2492	0.2881153
6112202010	0.8722	1.0084035
6112202020	0.3738	0.4321729
6112202030	0.2492	0.2881153
6112310010	0.1192	0.1378144
6112310020	0.1192	0.1378144
6112390010	1.0727	1.2402137
6112410010	0.1192	0.1378144
6112410020	0.1192	0.1378144
6112410030	0.1192	0.1378144

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6112410040	0.1192	0.1378144
6112490010	0.8939	1.0334921
6113001005	0.1246	0.1440576
6113001010	0.1246	0.1440576
6113001012	0.1246	0.1440576
6113009015	0.3489	0.4033845
6113009020	0.3489	0.4033845
6113009038	0.3489	0.4033845
6113009042	0.3489	0.4033845
6113009055	0.3489	0.4033845
6113009060	0.3489	0.4033845
6113009074	0.3489	0.4033845
6113009082	0.3489	0.4033845
6114200005	0.9747	1.1269099
6114200010	0.9747	1.1269099
6114200015	0.8528	0.9859739
6114200020	0.8528	0.9859739
6114200035	0.8528	0.9859739
6114200040	0.8528	0.9859739
6114200042	0.3655	0.4225768
6114200044	0.8528	0.9859739
6114200046	0.8528	0.9859739
6114200048	0.8528	0.9859739
6114200052	0.8528	0.9859739
6114200055	0.8528	0.9859739
6114200060	0.8528	0.9859739
6114301010	0.2437	0.2817564
6114301020	0.2437	0.2817564
6114302060	0.1218	0.1408204
6114303014	0.2437	0.2817564
6114303020	0.2437	0.2817564
6114303030	0.2437	0.2817564
6114303042	0.2437	0.2817564
6114303044	0.2437	0.2817564
6114303052	0.2437	0.2817564
6114303054	0.2437	0.2817564
6114303060	0.2437	0.2817564
6114303070	0.2437	0.2817564
6114909045	0.5482	0.6338074
6114909055	0.3655	0.4225768
6114909070	0.3655	0.4225768
6115100500	0.4386	0.5070921
6115101510	1.0965	1.2677303
6115103000	0.9868	1.1408995
6115106000	0.1096	0.1267152
6115298010	1.0965	1.2677303
6115309030	0.7675	0.8873534
6115956000	0.9868	1.1408995
6115959000	0.9868	1.1408995
6115966020	0.2193	0.2535461
6115991420	0.2193	0.2535461
6115991920	0.2193	0.2535461
6115999000	0.1096	0.1267152
6116101300	0.3463	0.4003785
6116101720	0.8079	0.9340623
6116104810	0.4444	0.5137979
6116105510	0.6464	0.7473423
6116107510	0.6464	0.7473423
6116109500	0.1616	0.1868356
6116920500	0.8079	0.9340623
6116920800	0.8079	0.9340623
6116926410	1.0388	1.2010198
6116926420	1.0388	1.2010198
6116926430	1.1542	1.3344408
6116926440	1.0388	1.2010198
6116927450	1.0388	1.2010198
6116927460	1.1542	1.3344408
6116927470	1.0388	1.2010198
6116928800	1.0388	1.2010198

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6116929400	1.0388	1.2010198
6116938800	0.1154	0.1334210
6116939400	0.1154	0.1334210
6116994800	0.1154	0.1334210
6116995400	0.1154	0.1334210
6116999510	0.4617	0.5337994
6116999530	0.3463	0.4003785
6117106010	0.9234	1.0675989
6117106020	0.2308	0.2668419
6117808500	0.9234	1.0675989
6117808710	1.1542	1.3344408
6117808770	0.1731	0.2001314
6117809510	0.9234	1.0675989
6117809540	0.3463	0.4003785
6117809570	0.1731	0.2001314
6117909003	1.1542	1.3344408
6117909015	0.2308	0.2668419
6117909020	1.1542	1.3344408
6117909040	1.1542	1.3344408
6117909060	1.1542	1.3344408
6117909080	1.1542	1.3344408
6201121000	0.8981	1.0383480
6201122010	0.8482	0.9806556
6201122020	0.8482	0.9806556
6201122025	0.9979	1.1537329
6201122035	0.9979	1.1537329
6201122050	0.6486	0.7498859
6201122060	0.6486	0.7498859
6201134015	0.1996	0.2307697
6201134020	0.1996	0.2307697
6201134030	0.2495	0.2884621
6201134040	0.2495	0.2884621
6201199010	0.5613	0.6489531
6201199030	0.3742	0.4326354
6201199060	0.3742	0.4326354
6201920500	0.8779	1.0149936
6201921700	1.0974	1.2687709
6201921905	0.9754	1.1277193
6201921910	0.9754	1.1277193
6201921921	1.2193	1.4097069
6201921931	1.2193	1.4097069
6201921941	1.2193	1.4097069
6201921951	0.9754	1.1277193
6201921961	0.9754	1.1277193
6201923000	0.8779	1.0149936
6201923500	1.0974	1.2687709
6201924505	0.9754	1.1277193
6201924510	0.9754	1.1277193
6201924521	1.2193	1.4097069
6201924531	1.2193	1.4097069
6201924541	1.2193	1.4097069
6201924551	0.9754	1.1277193
6201924561	0.9754	1.1277193
6201931500	0.2926	0.3382927
6201931810	0.2439	0.2819876
6201931820	0.2439	0.2819876
6201934911	0.2439	0.2819876
6201934921	0.2439	0.2819876
6201935000	0.2926	0.3382927
6201935210	0.2439	0.2819876
6201935220	0.2439	0.2819876
6201936511	0.2439	0.2819876
6201936521	0.2439	0.2819876
6201991510	0.5487	0.6343854
6201991530	0.3658	0.4229236
6201991560	0.2439	0.2819876
6201998010	0.5487	0.6343854
6201998030	0.3658	0.4229236
6201998060	0.2439	0.2819876

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6202121000	0.8879	1.0265552
6202122010	1.0482	1.2118878
6202122020	1.0482	1.2118878
6202122025	1.2332	1.4257775
6202122035	1.2332	1.4257775
6202122050	0.8016	0.9267785
6202122060	0.8016	0.9267785
6202134005	0.2524	0.2918150
6202134010	0.2524	0.2918150
6202134020	0.3155	0.3647687
6202134030	0.3155	0.3647687
6202199010	0.5678	0.6564681
6202199030	0.3786	0.4377225
6202199060	0.2524	0.2918150
6202920300	0.9865	1.1405526
6202920500	0.9865	1.1405526
6202921210	0.9865	1.1405526
6202921220	0.9865	1.1405526
6202921226	1.2332	1.4257775
6202921231	1.2332	1.4257775
6202921261	0.9865	1.1405526
6202921271	0.9865	1.1405526
6202922500	0.9865	1.1405526
6202923000	0.9865	1.1405526
6202929010	0.9865	1.1405526
6202929020	0.9865	1.1405526
6202929026	1.2332	1.4257775
6202929031	1.2332	1.4257775
6202929061	0.9865	1.1405526
6202929071	0.9865	1.1405526
6202930100	0.296	0.3422236
6202930310	0.2466	0.2851093
6202930320	0.2466	0.2851093
6202930911	0.2466	0.2851093
6202930921	0.2466	0.2851093
6202931500	0.296	0.3422236
6202932510	0.2466	0.2851093
6202932520	0.2466	0.2851093
6202935511	0.2466	0.2851093
6202935521	0.2466	0.2851093
6202991511	0.5549	0.6415536
6202991531	0.37	0.4277795
6202991561	0.2466	0.2851093
6202998011	0.5549	0.6415536
6202998031	0.37	0.4277795
6202998061	0.2466	0.2851093
6203122010	0.1233	0.1425546
6203122020	0.1233	0.1425546
6203191010	0.9865	1.1405526
6203191020	0.9865	1.1405526
6203191030	0.9865	1.1405526
6203199010	0.5549	0.6415536
6203199020	0.5549	0.6415536
6203199030	0.5549	0.6415536
6203199050	0.37	0.4277795
6203199080	0.2466	0.2851093
6203221000	1.2332	1.4257775
6203321000	0.6782	0.7841083
6203322010	1.1715	1.3544424
6203322020	1.1715	1.3544424
6203322030	1.1715	1.3544424
6203322040	1.1715	1.3544424
6203322050	1.1715	1.3544424
6203332010	0.1233	0.1425546
6203332020	0.1233	0.1425546
6203392010	0.1233	0.1425546
6203392020	0.1233	0.1425546
6203399010	0.5549	0.6415536
6203399030	0.37	0.4277795

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6203399060	0.2466	0.2851093
6203420300	1.0616	1.2273803
6203420505	0.7077	0.8182150
6203420510	0.9436	1.0909533
6203420525	0.9436	1.0909533
6203420550	0.9436	1.0909533
6203420590	0.9436	1.0909533
6203420703	1.0616	1.2273803
6203420706	1.1796	1.3638073
6203420711	1.1796	1.3638073
6203420716	0.9436	1.0909533
6203420721	1.1796	1.3638073
6203420726	1.1796	1.3638073
6203420731	1.1796	1.3638073
6203420736	1.1796	1.3638073
6203420741	0.9436	1.0909533
6203420746	0.9436	1.0909533
6203420751	0.8752	1.0118719
6203420756	0.8752	1.0118719
6203420761	0.8752	1.0118719
6203421700	1.0616	1.2273803
6203422505	0.7077	0.8182150
6203422510	0.9436	1.0909533
6203422525	0.9436	1.0909533
6203422550	0.9436	1.0909533
6203422590	0.9436	1.0909533
6203424503	1.0616	1.2273803
6203424506	1.1796	1.3638073
6203424511	1.1796	1.3638073
6203424516	0.9436	1.0909533
6203424521	1.1796	1.3638073
6203424526	1.1796	1.3638073
6203424531	1.1796	1.3638073
6203424536	1.1796	1.3638073
6203424541	0.9436	1.0909533
6203424546	0.9436	1.0909533
6203424551	0.8752	1.0118719
6203424556	0.8752	1.0118719
6203424561	0.8752	1.0118719
6203430100	0.1887	0.2181675
6203430300	0.118	0.1364270
6203430505	0.118	0.1364270
6203430510	0.2359	0.2727383
6203430525	0.2359	0.2727383
6203430550	0.2359	0.2727383
6203430590	0.2359	0.2727383
6203431110	0.059	0.0682135
6203431190	0.059	0.0682135
6203431310	0.1167	0.1349240
6203431315	0.1167	0.1349240
6203431320	0.1167	0.1349240
6203431330	0.1167	0.1349240
6203431335	0.1167	0.1349240
6203431340	0.1167	0.1349240
6203434500	0.1887	0.2181675
6203435500	0.118	0.1364270
6203436005	0.118	0.1364270
6203436010	0.2359	0.2727383
6203436025	0.2359	0.2727383
6203436050	0.2359	0.2727383
6203436090	0.2359	0.2727383
6203436500	0.4128	0.4772632
6203437510	0.059	0.0682135
6203437590	0.059	0.0682135
6203439010	0.1167	0.1349240
6203439015	0.1167	0.1349240
6203439020	0.1167	0.1349240
6203439030	0.1167	0.1349240
6203439035	0.1167	0.1349240

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6203439040	0.1167	0.1349240
6203490105	0.118	0.1364270
6203490110	0.2359	0.2727383
6203490125	0.2359	0.2727383
6203490150	0.2359	0.2727383
6203490190	0.2359	0.2727383
6203490515	0.2359	0.2727383
6203490520	0.2359	0.2727383
6203490530	0.118	0.1364270
6203490545	0.118	0.1364270
6203490550	0.118	0.1364270
6203490560	0.118	0.1364270
6203490920	0.5308	0.6136902
6203490930	0.3539	0.4091653
6203490945	0.2359	0.2727383
6203492505	0.118	0.1364270
6203492510	0.2359	0.2727383
6203492525	0.2359	0.2727383
6203492550	0.2359	0.2727383
6203492590	0.2359	0.2727383
6203493500	0.4128	0.4772632
6203495015	0.2359	0.2727383
6203495020	0.2359	0.2727383
6203495030	0.118	0.1364270
6203495045	0.118	0.1364270
6203495050	0.118	0.1364270
6203495060	0.118	0.1364270
6203499020	0.5308	0.6136902
6203499030	0.3539	0.4091653
6203499045	0.2359	0.2727383
6204110000	0.0617	0.0713351
6204120010	0.9865	1.1405526
6204120020	0.9865	1.1405526
6204120030	0.9865	1.1405526
6204120040	0.9865	1.1405526
6204132010	0.1233	0.1425546
6204132020	0.1233	0.1425546
6204192000	0.1233	0.1425546
6204198010	0.5549	0.6415536
6204198020	0.5549	0.6415536
6204198030	0.5549	0.6415536
6204198040	0.5549	0.6415536
6204198060	0.3083	0.3564444
6204198090	0.2466	0.2851093
6204221000	1.2332	1.4257775
6204321000	0.6782	0.7841083
6204322010	1.1715	1.3544424
6204322020	1.1715	1.3544424
6204322030	0.9865	1.1405526
6204322040	0.9865	1.1405526
6204398010	0.5549	0.6415536
6204398030	0.3083	0.3564444
6204412010	0.0603	0.0697165
6204412020	0.0603	0.0697165
6204421000	1.2058	1.3940987
6204422000	0.6632	0.7667658
6204423010	1.2058	1.3940987
6204423020	1.2058	1.3940987
6204423030	0.9043	1.0455162
6204423040	0.9043	1.0455162
6204423050	0.9043	1.0455162
6204423060	0.9043	1.0455162
6204431000	0.4823	0.5576164
6204432000	0.0603	0.0697165
6204442000	0.4316	0.4989990
6204495010	0.5549	0.6415536
6204495030	0.2466	0.2851093
6204510010	0.0631	0.0729537
6204510020	0.0631	0.0729537

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6204521000	1.2618	1.4588437
6204522010	1.1988	1.3860056
6204522020	1.1988	1.3860056
6204522030	1.1988	1.3860056
6204522040	1.1988	1.3860056
6204522070	1.0095	1.1671443
6204522080	1.0095	1.1671443
6204531000	0.4416	0.5105606
6204532010	0.0631	0.0729537
6204532020	0.0631	0.0729537
6204533010	0.2524	0.2918150
6204533020	0.2524	0.2918150
6204591000	0.4416	0.5105606
6204594010	0.5678	0.6564681
6204594030	0.2524	0.2918150
6204594060	0.2524	0.2918150
6204610510	0.059	0.0682135
6204610520	0.059	0.0682135
6204611510	0.059	0.0682135
6204611520	0.059	0.0682135
6204611530	0.059	0.0682135
6204611540	0.118	0.1364270
6204616010	0.059	0.0682135
6204616020	0.059	0.0682135
6204618010	0.059	0.0682135
6204618020	0.059	0.0682135
6204618030	0.059	0.0682135
6204618040	0.118	0.1364270
6204620300	0.8681	1.0036632
6204620505	0.7077	0.8182150
6204620510	0.9436	1.0909533
6204620525	0.9436	1.0909533
6204620550	0.9436	1.0909533
6204621503	1.0616	1.2273803
6204621506	1.1796	1.3638073
6204621511	1.1796	1.3638073
6204621521	0.9436	1.0909533
6204621526	1.1796	1.3638073
6204621531	1.1796	1.3638073
6204621536	1.1796	1.3638073
6204621541	1.1796	1.3638073
6204621546	0.9436	1.0909533
6204621551	0.9436	1.0909533
6204621556	0.9335	1.0792761
6204621561	0.9335	1.0792761
6204621566	0.9335	1.0792761
6204625000	0.8681	1.0036632
6204626005	0.7077	0.8182150
6204626010	0.9436	1.0909533
6204626025	0.9436	1.0909533
6204626050	0.9436	1.0909533
6204627000	1.1796	1.3638073
6204628003	1.0616	1.2273803
6204628006	1.1796	1.3638073
6204628011	1.1796	1.3638073
6204628021	0.9436	1.0909533
6204628026	1.1796	1.3638073
6204628031	1.1796	1.3638073
6204628036	1.1796	1.3638073
6204628041	1.1796	1.3638073
6204628046	0.9436	1.0909533
6204628051	0.9436	1.0909533
6204628056	0.9335	1.0792761
6204628061	0.9335	1.0792761
6204628066	0.9335	1.0792761
6204630100	0.2019	0.2334289
6204630200	0.118	0.1364270
6204630305	0.118	0.1364270
6204630310	0.2359	0.2727383

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6204630325	0.2359	0.2727383
6204630350	0.2359	0.2727383
6204630810	0.059	0.0682135
6204630820	0.059	0.0682135
6204630910	0.0603	0.0697165
6204630990	0.0603	0.0697165
6204631110	0.2412	0.2788660
6204631125	0.2412	0.2788660
6204631130	0.2412	0.2788660
6204631132	0.2309	0.2669575
6204631135	0.2309	0.2669575
6204631140	0.2309	0.2669575
6204635000	0.2019	0.2334289
6204635500	0.118	0.1364270
6204636005	0.118	0.1364270
6204636010	0.2359	0.2727383
6204636025	0.2359	0.2727383
6204636050	0.2359	0.2727383
6204636500	0.4718	0.5454767
6204637010	0.059	0.0682135
6204637020	0.059	0.0682135
6204637510	0.0603	0.0697165
6204637590	0.0603	0.0697165
6204639010	0.2412	0.2788660
6204639025	0.2412	0.2788660
6204639030	0.2412	0.2788660
6204639032	0.2309	0.2669575
6204639035	0.2309	0.2669575
6204639040	0.2309	0.2669575
6204690105	0.118	0.1364270
6204690110	0.2359	0.2727383
6204690110	0.2359	0.2727383
6204690125	0.2359	0.2727383
6204690150	0.2359	0.2727383
6204690210	0.059	0.0682135
6204690220	0.059	0.0682135
6204690230	0.059	0.0682135
6204690310	0.2359	0.2727383
6204690320	0.2359	0.2727383
6204690330	0.2359	0.2727383
6204690340	0.2309	0.2669575
6204690350	0.2309	0.2669575
6204690360	0.2309	0.2669575
6204690510	0.5308	0.6136902
6204690530	0.2359	0.2727383
6204690570	0.3539	0.4091653
6204690610	0.5308	0.6136902
6204690630	0.2359	0.2727383
6204690644	0.2359	0.2727383
6204690646	0.2359	0.2727383
6204690650	0.3539	0.4091653
6204691505	0.118	0.1364270
6204691510	0.2359	0.2727383
6204691525	0.2359	0.2727383
6204691525	0.2359	0.2727383
6204691550	0.2359	0.2727383
6204692210	0.059	0.0682135
6204692220	0.059	0.0682135
6204692230	0.059	0.0682135
6204692810	0.2359	0.2727383
6204692820	0.2359	0.2727383
6204692830	0.2359	0.2727383
6204692840	0.2309	0.2669575
6204692850	0.2309	0.2669575
6204692860	0.2309	0.2669575
6204696510	0.5308	0.6136902
6204696530	0.2359	0.2727383
6204696570	0.3539	0.4091653
6204698010	0.5308	0.6136902

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6204698030	0.2359	0.2727383
6204698044	0.2359	0.2727383
6204698046	0.2359	0.2727383
6204698050	0.3539	0.4091653
6205201000	1.1796	1.3638073
6205202003	0.9436	1.0909533
6205202016	0.9436	1.0909533
6205202021	0.9436	1.0909533
6205202026	0.9436	1.0909533
6205202031	0.9436	1.0909533
6205202036	1.0616	1.2273803
6205202041	1.0616	1.2273803
6205202044	1.0616	1.2273803
6205202047	0.9436	1.0909533
6205202051	0.9436	1.0909533
6205202056	0.9436	1.0909533
6205202061	0.9436	1.0909533
6205202066	0.9436	1.0909533
6205202071	0.9436	1.0909533
6205202076	0.9436	1.0909533
6205301000	0.4128	0.4772632
6205302010	0.2949	0.3409518
6205302020	0.2949	0.3409518
6205302030	0.2949	0.3409518
6205302040	0.2949	0.3409518
6205302050	0.2949	0.3409518
6205302055	0.2949	0.3409518
6205302060	0.2949	0.3409518
6205302070	0.2949	0.3409518
6205302075	0.2949	0.3409518
6205302080	0.2949	0.3409518
6205900710	0.118	0.1364270
6205900720	0.118	0.1364270
6205901000	0.2359	0.2727383
6205903010	0.5308	0.6136902
6205903030	0.2359	0.2727383
6205903050	0.1769	0.2045248
6205904010	0.5308	0.6136902
6205904030	0.2359	0.2727383
6205904040	0.2359	0.2727383
6206100010	0.5308	0.6136902
6206100030	0.2359	0.2727383
6206100040	0.118	0.1364270
6206100050	0.2359	0.2727383
6206203010	0.059	0.0682135
6206203020	0.059	0.0682135
6206301000	1.1796	1.3638073
6206302000	0.6488	0.7501171
6206303003	0.9436	1.0909533
6206303011	0.9436	1.0909533
6206303021	0.9436	1.0909533
6206303031	0.9436	1.0909533
6206303041	0.9436	1.0909533
6206303051	0.9436	1.0909533
6206303061	0.9436	1.0909533
6206401000	0.4128	0.4772632
6206403010	0.2949	0.3409518
6206403020	0.2949	0.3409518
6206403025	0.2949	0.3409518
6206403030	0.2949	0.3409518
6206403040	0.2949	0.3409518
6206403050	0.2949	0.3409518
6206900010	0.5308	0.6136902
6206900030	0.2359	0.2727383
6206900040	0.1769	0.2045248
6207110000	1.0281	1.1886489
6207199010	0.3427	0.3962163
6207199030	0.4569	0.5282499
6207210010	1.0502	1.2142001

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6207210020	1.0502	1.2142001
6207210030	1.0502	1.2142001
6207210040	1.0502	1.2142001
6207220000	0.3501	0.4047719
6207291000	0.1167	0.1349240
6207299030	0.1167	0.1349240
6207911000	1.0852	1.2546657
6207913010	1.0852	1.2546657
6207913020	1.0852	1.2546657
6207997520	0.2412	0.2788660
6207998510	0.2412	0.2788660
6207998520	0.2412	0.2788660
6208110000	0.2412	0.2788660
6208192000	1.0852	1.2546657
6208195000	0.1206	0.1394330
6208199000	0.2412	0.2788660
6208210010	1.0026	1.1591668
6208210020	1.0026	1.1591668
6208210030	1.0026	1.1591668
6208220000	0.118	0.1364270
6208299030	0.2359	0.2727383
6208911010	1.0852	1.2546657
6208911020	1.0852	1.2546657
6208913010	1.0852	1.2546657
6208913020	1.0852	1.2546657
6208920010	0.1206	0.1394330
6208920020	0.1206	0.1394330
6208920030	0.1206	0.1394330
6208920040	0.1206	0.1394330
6208992010	0.0603	0.0697165
6208992020	0.0603	0.0697165
6208995010	0.2412	0.2788660
6208995020	0.2412	0.2788660
6208998010	0.2412	0.2788660
6208998020	0.2412	0.2788660
6209201000	1.0967	1.2679616
6209202000	1.039	1.2012511
6209203000	0.9236	1.0678301
6209205030	0.9236	1.0678301
6209205035	0.9236	1.0678301
6209205045	0.9236	1.0678301
6209205050	0.9236	1.0678301
6209301000	0.2917	0.3372521
6209302000	0.2917	0.3372521
6209303010	0.2334	0.2698479
6209303020	0.2334	0.2698479
6209303030	0.2334	0.2698479
6209303040	0.2334	0.2698479
6209900500	0.1154	0.1334210
6209901000	0.2917	0.3372521
6209902000	0.2917	0.3372521
6209903010	0.2917	0.3372521
6209903015	0.2917	0.3372521
6209903020	0.2917	0.3372521
6209903030	0.2917	0.3372521
6209903040	0.2917	0.3372521
6210109010	0.217	0.2508869
6210109040	0.217	0.2508869
6210203000	0.0362	0.0418530
6210205000	0.0844	0.0975800
6210207000	0.1809	0.2091495
6210303000	0.0362	0.0418530
6210305000	0.0844	0.0975800
6210307000	0.0362	0.0418530
6210309020	0.422	0.4878999
6210401500	0.037	0.0427779
6210402520	0.4316	0.4989990
6210402531	0.0863	0.0997767
6210402539	0.0863	0.0997767

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6210402540	0.4316	0.4989990
6210402550	0.4316	0.4989990
6210402800	0.111	0.1283338
6210402925	0.111	0.1283338
6210402933	0.111	0.1283338
6210402945	0.111	0.1283338
6210402960	0.111	0.1283338
6210403500	0.037	0.0427779
6210405520	0.4316	0.4989990
6210405531	0.0863	0.0997767
6210405539	0.0863	0.0997767
6210405540	0.4316	0.4989990
6210405550	0.4316	0.4989990
6210407500	0.111	0.1283338
6210408025	0.111	0.1283338
6210408033	0.111	0.1283338
6210408045	0.111	0.1283338
6210408060	0.111	0.1283338
6210500300	0.037	0.0427779
6210500520	0.0863	0.0997767
6210500531	0.0863	0.0997767
6210500539	0.0863	0.0997767
6210500540	0.0863	0.0997767
6210500555	0.0863	0.0997767
6210501200	0.4316	0.4989990
6210502250	0.148	0.1711118
6210502260	0.148	0.1711118
6210502270	0.148	0.1711118
6210502290	0.148	0.1711118
6210503500	0.037	0.0427779
6210505520	0.0863	0.0997767
6210505531	0.0863	0.0997767
6210505539	0.0863	0.0997767
6210505540	0.0863	0.0997767
6210505555	0.0863	0.0997767
6210507500	0.4316	0.4989990
6210508050	0.148	0.1711118
6210508060	0.148	0.1711118
6210508070	0.148	0.1711118
6210508090	0.148	0.1711118
6211111010	0.1206	0.1394330
6211111020	0.1206	0.1394330
6211118010	1.0852	1.2546657
6211118020	1.0852	1.2546657
6211118040	0.2412	0.2788660
6211121010	0.0603	0.0697165
6211121020	0.0603	0.0697165
6211128010	1.0852	1.2546657
6211128020	1.0852	1.2546657
6211128030	0.6029	0.6970494
6211200410	0.7717	0.8922093
6211200420	0.0965	0.1115695
6211200430	0.7717	0.8922093
6211200440	0.0965	0.1115695
6211200810	0.3858	0.4460468
6211200820	0.3858	0.4460468
6211201510	0.7615	0.8804165
6211201515	0.2343	0.2708885
6211201520	0.6443	0.7449144
6211201525	0.2929	0.3386395
6211201530	0.7615	0.8804165
6211201535	0.3515	0.4063905
6211201540	0.7615	0.8804165
6211201545	0.2929	0.3386395
6211201550	0.7615	0.8804165
6211201555	0.41	0.4740259
6211201560	0.7615	0.8804165
6211201565	0.2343	0.2708885
6211202400	0.1233	0.1425546

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6211202810	0.8016	0.9267785
6211202820	0.2466	0.2851093
6211202830	0.3083	0.3564444
6211203400	0.1233	0.1425546
6211203810	0.8016	0.9267785
6211203820	0.2466	0.2851093
6211203830	0.3083	0.3564444
6211204400	0.1233	0.1425546
6211204815	0.8016	0.9267785
6211204835	0.2466	0.2851093
6211204860	0.3083	0.3564444
6211205400	0.1233	0.1425546
6211205810	0.8016	0.9267785
6211205820	0.2466	0.2851093
6211205830	0.3083	0.3564444
6211206400	0.1233	0.1425546
6211206810	0.8016	0.9267785
6211206820	0.2466	0.2851093
6211206830	0.3083	0.3564444
6211207400	0.1233	0.1425546
6211207810	0.9249	1.0693331
6211207820	0.2466	0.2851093
6211207830	0.3083	0.3564444
6211325003	0.6412	0.7413303
6211325007	0.8016	0.9267785
6211325010	0.9865	1.1405526
6211325015	0.9865	1.1405526
6211325025	0.9865	1.1405526
6211325030	0.9249	1.0693331
6211325040	0.9249	1.0693331
6211325050	0.9249	1.0693331
6211325060	0.9249	1.0693331
6211325070	0.9249	1.0693331
6211325075	0.9249	1.0693331
6211325081	0.9249	1.0693331
6211329003	0.6412	0.7413303
6211329007	0.8016	0.9267785
6211329010	0.9865	1.1405526
6211329015	0.9865	1.1405526
6211329025	0.9865	1.1405526
6211329030	0.9249	1.0693331
6211329040	0.9249	1.0693331
6211329050	0.9249	1.0693331
6211329060	0.9249	1.0693331
6211329070	0.9249	1.0693331
6211329075	0.9249	1.0693331
6211329081	0.9249	1.0693331
6211335003	0.0987	0.1141131
6211335007	0.1233	0.1425546
6211335010	0.3083	0.3564444
6211335015	0.3083	0.3564444
6211335017	0.3083	0.3564444
6211335025	0.37	0.4277795
6211335030	0.37	0.4277795
6211335035	0.37	0.4277795
6211335040	0.37	0.4277795
6211335054	0.37	0.4277795
6211335058	0.37	0.4277795
6211335061	0.37	0.4277795
6211339003	0.0987	0.1141131
6211339007	0.1233	0.1425546
6211339010	0.3083	0.3564444
6211339015	0.3083	0.3564444
6211339017	0.3083	0.3564444
6211339025	0.37	0.4277795
6211339030	0.37	0.4277795
6211339035	0.37	0.4277795
6211339040	0.37	0.4277795
6211339054	0.37	0.4277795

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6211339058	0.37	0.4277795
6211339061	0.37	0.4277795
6211390310	0.1233	0.1425546
6211390320	0.1233	0.1425546
6211390330	0.1233	0.1425546
6211390340	0.1233	0.1425546
6211390345	0.1233	0.1425546
6211390351	0.1233	0.1425546
6211391510	0.2466	0.2851093
6211391520	0.2466	0.2851093
6211391530	0.2466	0.2851093
6211391540	0.2466	0.2851093
6211391550	0.2466	0.2851093
6211391560	0.2466	0.2851093
6211391570	0.2466	0.2851093
6211391590	0.2466	0.2851093
6211393010	0.1233	0.1425546
6211393020	0.1233	0.1425546
6211393030	0.1233	0.1425546
6211393040	0.1233	0.1425546
6211393045	0.1233	0.1425546
6211393051	0.1233	0.1425546
6211398010	0.2466	0.2851093
6211398020	0.2466	0.2851093
6211398030	0.2466	0.2851093
6211398040	0.2466	0.2851093
6211398050	0.2466	0.2851093
6211398060	0.2466	0.2851093
6211398070	0.2466	0.2851093
6211398090	0.2466	0.2851093
6211420503	0.6412	0.7413303
6211420507	0.8016	0.9267785
6211420510	0.9865	1.1405526
6211420520	0.9865	1.1405526
6211420525	1.1099	1.2832229
6211420530	0.8632	0.9979980
6211420540	0.9865	1.1405526
6211420554	1.1099	1.2832229
6211420556	1.1099	1.2832229
6211420560	0.9865	1.1405526
6211420570	1.1099	1.2832229
6211420575	1.1099	1.2832229
6211420581	1.1099	1.2832229
6211421003	0.6412	0.7413303
6211421007	0.8016	0.9267785
6211421010	0.9865	1.1405526
6211421020	0.9865	1.1405526
6211421025	1.1099	1.2832229
6211421030	0.8632	0.9979980
6211421040	0.9865	1.1405526
6211421054	1.1099	1.2832229
6211421056	1.1099	1.2832229
6211421060	0.9865	1.1405526
6211421070	1.1099	1.2832229
6211421075	1.1099	1.2832229
6211421081	1.1099	1.2832229
6211430503	0.0987	0.1141131
6211430507	0.1233	0.1425546
6211430510	0.2466	0.2851093
6211430520	0.2466	0.2851093
6211430530	0.2466	0.2851093
6211430540	0.2466	0.2851093
6211430550	0.2466	0.2851093
6211430560	0.2466	0.2851093
6211430564	0.3083	0.3564444
6211430566	0.2466	0.2851093
6211430574	0.3083	0.3564444
6211430576	0.37	0.4277795
6211430578	0.37	0.4277795

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6211430591	0.2466	0.2851093
6211431003	0.0987	0.1141131
6211431007	0.1233	0.1425546
6211431010	0.2466	0.2851093
6211431020	0.2466	0.2851093
6211431030	0.2466	0.2851093
6211431040	0.2466	0.2851093
6211431050	0.2466	0.2851093
6211431060	0.2466	0.2851093
6211431064	0.3083	0.3564444
6211431066	0.2466	0.2851093
6211431074	0.3083	0.3564444
6211431076	0.37	0.4277795
6211431078	0.37	0.4277795
6211431091	0.2466	0.2851093
6211492510	0.2466	0.2851093
6211492520	0.2466	0.2851093
6211492530	0.2466	0.2851093
6211492540	0.2466	0.2851093
6211492550	0.2466	0.2851093
6211492560	0.2466	0.2851093
6211492570	0.2466	0.2851093
6211492580	0.2466	0.2851093
6211492590	0.2466	0.2851093
6211498010	0.2466	0.2851093
6211498020	0.2466	0.2851093
6211498030	0.2466	0.2851093
6211498040	0.2466	0.2851093
6211498050	0.2466	0.2851093
6211498060	0.2466	0.2851093
6211498070	0.2466	0.2851093
6211498080	0.2466	0.2851093
6211498090	0.2466	0.2851093
6212105010	0.9138	1.0564997
6212105020	0.2285	0.2641827
6212105030	0.2285	0.2641827
6212109010	0.9138	1.0564997
6212109020	0.2285	0.2641827
6212109040	0.2285	0.2641827
6212200010	0.6854	0.7924326
6212200020	0.2856	0.3301995
6212200030	0.1142	0.1320336
6212300010	0.6854	0.7924326
6212300020	0.2856	0.3301995
6212300030	0.1142	0.1320336
6212900010	0.1828	0.2113462
6212900020	0.1828	0.2113462
6212900030	0.1828	0.2113462
6212900050	0.0914	0.1056731
6212900090	0.4112	0.4754133
6213201000	1.1187	1.2933971
6213202000	1.0069	1.1641383
6213900700	0.4475	0.5173820
6213901000	0.4475	0.5173820
6213902000	0.3356	0.3880076
6214300000	0.1142	0.1320336
6214400000	0.1142	0.1320336
6214900010	0.8567	0.9904830
6214900090	0.2285	0.2641827
6215100025	0.1142	0.1320336
6215200000	0.1142	0.1320336
6215900015	1.0281	1.1886489
6216000800	0.0685	0.0791970
6216001300	0.3427	0.3962163
6216001720	0.6397	0.7395961
6216001730	0.1599	0.1848701
6216001900	0.3427	0.3962163
6216002110	0.578	0.6682609
6216002120	0.2477	0.2863810

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6216002410	0.6605	0.7636442
6216002425	0.1651	0.1908821
6216002600	0.1651	0.1908821
6216002910	0.6605	0.7636442
6216002925	0.1651	0.1908821
6216003100	0.1651	0.1908821
6216003300	0.5898	0.6819036
6216003500	0.5898	0.6819036
6216003800	1.1796	1.3638073
6216004100	1.1796	1.3638073
6217109510	0.9646	1.1152327
6217109520	0.1809	0.2091495
6217109530	0.2412	0.2788660
6217909003	0.9646	1.1152327
6217909005	0.1809	0.2091495
6217909010	0.2412	0.2788660
6217909025	0.9646	1.1152327
6217909030	0.1809	0.2091495
6217909035	0.2412	0.2788660
6217909050	0.9646	1.1152327
6217909055	0.1809	0.2091495
6217909060	0.2412	0.2788660
6217909075	0.9646	1.1152327
6217909080	0.1809	0.2091495
6217909085	0.2412	0.2788660
6301300010	0.8305	0.9601916
6301300020	0.8305	0.9601916
6301900030	0.2215	0.2560896
6302100005	1.1073	1.2802169
6302100008	1.1073	1.2802169
6302100015	1.1073	1.2802169
6302213010	1.1073	1.2802169
6302213020	1.1073	1.2802169
6302213030	1.1073	1.2802169
6302213040	1.1073	1.2802169
6302213050	1.1073	1.2802169
6302215010	0.7751	0.8961402
6302215020	0.7751	0.8961402
6302215030	0.7751	0.8961402
6302215040	0.7751	0.8961402
6302215050	0.7751	0.8961402
6302217010	1.1073	1.2802169
6302217020	1.1073	1.2802169
6302217030	1.1073	1.2802169
6302217040	1.1073	1.2802169
6302217050	1.1073	1.2802169
6302219010	0.7751	0.8961402
6302219020	0.7751	0.8961402
6302219030	0.7751	0.8961402
6302219040	0.7751	0.8961402
6302219050	0.7751	0.8961402
6302221010	0.5537	0.6401662
6302221020	0.3876	0.4481279
6302221030	0.5537	0.6401662
6302221040	0.3876	0.4481279
6302221050	0.3876	0.4481279
6302221060	0.3876	0.4481279
6302222010	0.3876	0.4481279
6302222020	0.3876	0.4481279
6302222030	0.3876	0.4481279
6302290020	0.2215	0.2560896
6302313010	1.1073	1.2802169
6302313020	1.1073	1.2802169
6302313030	1.1073	1.2802169
6302313040	1.1073	1.2802169
6302313050	1.1073	1.2802169
6302315010	0.7751	0.8961402
6302315020	0.7751	0.8961402
6302315030	0.7751	0.8961402

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6302315040	0.7751	0.8961402
6302315050	0.7751	0.8961402
6302317010	1.1073	1.2802169
6302317020	1.1073	1.2802169
6302317030	1.1073	1.2802169
6302317040	1.1073	1.2802169
6302317050	1.1073	1.2802169
6302319010	0.7751	0.8961402
6302319020	0.7751	0.8961402
6302319030	0.7751	0.8961402
6302319040	0.7751	0.8961402
6302319050	0.7751	0.8961402
6302321010	0.5537	0.6401662
6302321020	0.3876	0.4481279
6302321030	0.5537	0.6401662
6302321040	0.3876	0.4481279
6302321050	0.3876	0.4481279
6302321060	0.3876	0.4481279
6302322010	0.5537	0.6401662
6302322020	0.3876	0.4481279
6302322030	0.5537	0.6401662
6302322040	0.3876	0.4481279
6302322050	0.3876	0.4481279
6302322060	0.3876	0.4481279
6302390030	0.2215	0.2560896
6302402010	0.9412	1.0881786
6302511000	0.5537	0.6401662
6302512000	0.8305	0.9601916
6302513000	0.5537	0.6401662
6302514000	0.7751	0.8961402
6302593020	0.5537	0.6401662
6302600010	1.1073	1.2802169
6302600020	0.9966	1.1522299
6302600030	0.9966	1.1522299
6302910005	0.9966	1.1522299
6302910015	1.1073	1.2802169
6302910025	0.9966	1.1522299
6302910035	0.9966	1.1522299
6302910045	0.9966	1.1522299
6302910050	0.9966	1.1522299
6302910060	0.9966	1.1522299
6302931000	0.4429	0.5120636
6302932000	0.4429	0.5120636
6302992000	0.2215	0.2560896
6303191100	0.8859	1.0242429
6303910010	0.609	0.7041019
6303910020	0.609	0.7041019
6303921000	0.2768	0.3200253
6303922010	0.2768	0.3200253
6303922030	0.2768	0.3200253
6303922050	0.2768	0.3200253
6303990010	0.2768	0.3200253
6304111000	0.9966	1.1522299
6304113000	0.1107	0.1279870
6304190500	0.9966	1.1522299
6304191000	1.1073	1.2802169
6304191500	0.3876	0.4481279
6304192000	0.3876	0.4481279
6304193060	0.2215	0.2560896
6304200020	0.8859	1.0242429
6304200070	0.2215	0.2560896
6304910120	0.8859	1.0242429
6304910170	0.2215	0.2560896
6304920000	0.8859	1.0242429
6304996040	0.2215	0.2560896
6505001515	1.1189	1.2936283
6505001525	0.5594	0.6467564
6505001540	1.1189	1.2936283
6505002030	0.9412	1.0881786

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	Conv. factor	Cents/kg
6505002060	0.9412	1.0881786
6505002545	0.5537	0.6401662
6507000000	0.3986	0.4608457
9404901000	0.2104	0.2432562
9404908020	0.9966	1.1522299
9404908040	0.9966	1.1522299
9404908505	0.6644	0.7681532
9404908536	0.0997	0.1152692
9404909505	0.6644	0.7681532
9404909570	0.2658	0.3073075
9619002100	0.8681	1.0036632
9619002500	0.1085	0.1254434
9619003100	0.9535	1.1023993
9619003300	1.1545	1.3347877
9619004100	0.2384	0.2756287
9619004300	0.2384	0.2756287
9619006100	0.8528	0.9859739
9619006400	0.2437	0.2817564
9619006800	0.3655	0.4225768
9619007100	1.1099	1.2832229
9619007400	0.2466	0.2851093
9619007800	0.2466	0.2851093
9619007900	0.2466	0.2851093

* * * * *

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–19373 Filed 10–2–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 56, 145, 146, and 147

[Docket No. APHIS–2018–0062]

RIN 0579–AE49

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the National Poultry Improvement Plan (NPIP). These amendments establish a U.S. Newcastle Disease Clean program within the NPIP, create an NPIP subpart specific to game birds, revise testing requirements, and clarify existing provisions of the regulations. We are also amending the regulations concerning the payment of indemnity and compensation for low pathogenic avian influenza to reflect current policy and operational practices, and allowing NPIP voting delegates to represent multiple States during the Biennial Conferences. These changes were voted on and approved by the voting delegates at the NPIP's 2018 National Plan Conference.

DATES: Effective November 4, 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Elena Behnke, DVM, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control poultry diseases. Participation in all Plan programs is voluntary, but breeding flocks, hatcheries, and dealers must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs. The Plan identifies States, independent flocks, hatcheries, dealers, and slaughter plants that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 56, 145, 146, and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS) amends these provisions from time to time to incorporate new scientific information and technologies within the Plan, and to ensure the plan reflects changes to the poultry industry itself.

On December 5, 2019, we published in the **Federal Register** (84 FR 66631–66647, Docket No. APHIS–2018–0062) a proposal [1] to amend the regulations by updating and clarifying several provisions, including those concerning NPIP participation, voting requirements, testing procedures, and standards.

We solicited comments concerning our proposal for 60 days, ending February 3, 2020. We received 12 comments by that date. The comments were from private citizens, a State department of agriculture, and a representative for the egg farmer industry.

[1] To view the proposed rule, supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0062.*

Six individuals were in favor of the rule. Two individuals were generally opposed to NPIP and the poultry industry, but did not address any specific provisions of the proposed rule. The remaining comments are addressed below.

Requests for Clarification

There were three commenters who asked questions regarding the provisions of the rule but did not express favorable or unfavorable viewpoints regarding the rule. One commenter posed a number of questions regarding the provisions of the proposed rule, primarily as they pertain to game birds (for which we proposed specific provisions) and waterfowl (which have an existing subpart). First, the commenter asked how APHIS defines game birds under the proposed rule.

Under the proposed rule, game birds are domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

The commenter also asked if NPIP certifications would be difficult to obtain if an individual is raising waterfowl and non-waterfowl gamebirds together.

The proposed rule stated in both proposed §§ 145.52(c) and 145.102(c) that it is recommended that gallinaceous flocks and waterfowl flocks be kept separate. However, this does not preclude NPIP certifications for producers who have both flocks on the same premises. For operations that have waterfowl and game birds on the same premises, if the game birds meet the definition of ''game bird'' in the proposed rule, the game birds can be moved pursuant to the new gamebird-specific regulations in the proposed rule and the waterfowl remain subject to the existing NPIP regulations.

The commenter also asked if ''flocksters'' need to change their birds' housing to separate quarters.

''Flocksters'' refers to small-scale backyard poultry producers. If the birds are covered by two different NPIP subparts, for example, those covered by subpart E of part 145 (waterfowl) and those covered by subpart J of part 145 (gamebird), and are on the same premises, the housing habitat will require separate quarters. The requirements for NPIP participation in relation to housing habitat are found in part 145 (for breeding flocks) and part 146 (for commercial flocks) and further explained in the Program Standards—Standard C Sanitation Procedures. That being said, ''flocksters'' should also consult the relevant size thresholds for the provisions of the regulations. For example, under part 146, ''flockster'' table egg layers for who intend the eggs for commercial sale and who have fewer than 75,000 birds are exempt from the provisions in that part.

The commenter also asked if raising gamebirds and non-game birds together would have any effect on NPIP testing.

The Official State Agency will work with producers in each State to determine which classification—subpart E or subpart J—is most appropriate. Birds will be tested accordingly.

The commenter also asked if designated hatcheries, breeders, and growers would need to send in or have specimens checked every 30 days under the proposed rule.

The 30-day specimen check would only apply if the participant wishes to hold the U.S. Salmonella Monitored classification. The 30-day interval for testing that applies for the U.S. Salmonella Monitored Program under § 145.103(d) states: ''An Authorized Agent shall collect a minimum of five environmental samples, *e.g.,* chick papers, hatching trays, and chick transfer devices, from the hatchery at least every 30 days. Testing must be performed at an authorized laboratory.''

We proposed to establish a U.S. Newcastle Disease (ND) Clean program within the NPIP regulations.

One commenter asked what the testing methods for vaccinated and unvaccinated flocks would be for ND.

As we noted in the proposed rule, the approved serological tests for ND are currently the ELISA and hemagglutination inhibition (HI) tests, and the approved molecular-based test for ND is PCR.

The commenter also asked if lab costs were reimbursable for breeders who add ND tests to their regular surveillance protocol for backyard birds.

The new program generally does not apply to backyard poultry breeders, only primary breeders. Primary breeders should not expect an increase in lab costs; however, if lab costs occur, primary breeder labs will be expected to absorb the costs.

We proposed to allow voting delegates to represent multiple States.

A commenter inquired if there was a plan to ensure fair representation regarding delegation and the voting process.

In § 147.45 of the proposed rule, our proposed requirement was that ''official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency.'' Further, ''each official delegate shall endeavor to obtain, prior to the Conference, the recommendations of industry members of his State with respect to each proposed change.'' We believe these provisions address the commenter's concern.

Comments Regarding Proposed Indemnity Revisions

One commenter expressed concerns about changes to part 56, our indemnity regulations for H5/H7 low pathogenic avian influenza (LPAI).

We proposed to amend the terms and definitions of *H5/H7 LPAI infection (infected)* and *H5/H7 LPAI exposed.* The new terms we proposed were *H5/H7 LPAI virus exposed (non-infectious)* and *H5/H7 LPAI virus actively infected (infectious).*

The commenter opined that this could lead to a dilution of an industry/Federal response to a LPAI event.

The revision to these terms does not change APHIS' response policies for LPAI events.

The regulations in part 56 had referred to payment for birds and eggs destroyed because of LPAI and payment for cleaning and disinfection activities as *indemnity.* In the proposed rule, we proposed to reserve the term *indemnity* to payment for birds and eggs destroyed because of LPAI, and to refer to payment for cleaning and disinfection activities as *compensation.* We also proposed definitions for *compensation* and *indemnity.* We indicated that this was necessary because the conditions for payment for the former, and the manner in which the amount paid is derived, differs significantly from the latter.

The commenter suggested that these revisions could adversely impact the payment of indemnity and compensation to producers.

We are redefining the terms *indemnity* and *compensation* for the purposes of clarifying the types of payments provided for response activities and make a distinction between indemnity, which is based on the fair market value of birds and eggs, and compensation, which is payment for response activities based on expenses incurred for those activities. These revisions to terminology do not pertain to the conditions for payment, nor how payment is calculated.

We proposed the use of a flat rate virus elimination (VE) calculator to determine compensation for VE activities for LPAI. The commenter also expressed concern that a flat rate VE calculator value would not fully compensate for VE activities necessary in all circumstances and all types of egg production facilities.

We explained that the VE calculator is intended to streamline payment for the majority of affected producers, but we recognize that the calculator may not be

applicable for every production type and VE procedure. Therefore, as stated in the proposed rule, the claimant would be afforded the opportunity to demonstrate through receipts or other documentation the uniqueness of the situation and the actual cost of the activities, upon which the VE payment could be based.

The commenter recommended that VE payments be based on the value of the birds housed within a facility, rather than on the cost of eliminating virus from the structure.

We disagree. Compensation for VE activities is intended to cover the costs of those activities, which is not related to the value of the birds housed within a structure. However, we will consider the commenter's proposed methodology for determining the value of layers during our ongoing process of revising our methods of determining fair market value.

Miscellaneous

In reviewing the provisions of the proposed rule in preparation of this final rule, we noted several instances where the punctuation or the ordering of paragraphs could have led to differing interpretations of the regulations. For example, in several instances, conditions that were intended to be alternating (either one is sufficient) were punctuated in a manner which could make them appear to be joint conditions (both must be completed). In this final rule, we have changed punctuation and renumbered subparagraphs, as warranted, to improve clarity regarding our intent.

Similarly, there were several instances in the preamble of the proposed rule where we suggested wording would be revised each time it occurred within a particular regulatory unit, but neglected to propose to revise each occurrence in the proposed regulatory text for that unit. We have corrected these drafting errors in this final rule.

In this final rule, we are also making minor clarifying edits to paragraph (c) of § 56.4, which discusses the compliance agreements that parties must enter into in order to receive indemnity and/or compensation. We are clarifying that compliance agreements are similar to a statement of work, and may also be referred to as a detailed financial plan. This reflects APHIS guidance to stakeholders regarding the scope and intent of such compliance agreements.

In the proposed rule, we proposed that indemnity for the destruction and disposal of poultry would be calculated using an indemnity calculator, rather than an in-person appraisal of fair market value. Because APHIS is in the process of discontinuing the use of the calculator in favor of a different appraisal apparatus, we have elected not to finalize these proposed changes.

Finally, as noted above, our proposed rule had provisions that allowed for calculating payment for virus elimination using a method other than a VE calculator. However, it did not clarify under what circumstances APHIS would reach such a determination. In this final rule, we are clarifying that this will occur when the claimant and APHIS jointly agree the VE calculator is not applicable to the premises type.

Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule with the changes noted above.

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. Further, because this rule is not significant, it is not a regulatory action under Executive Order 13771.

We have prepared an analysis regarding the economic effects of this final rule on small entities. The analysis is summarized below. Copies of the full analysis are available on the *Regulations.gov* website (see footnote 1 in this document for a link to *Regulations.gov*) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

We are amending the NPIP, its auxiliary provisions, and the indemnity regulations for the control of H5 and H7 low pathogenic avian influenza to align the regulations with international standards and make them more transparent to stakeholders and the general public. The changes in this final rule were voted on and approved by the voting delegates at the 2018 NPIP National Plan Conference.

The establishments that will be affected by the rule—principally entities engaged in poultry production and processing—are predominantly small by Small Business Administration standards. In those instances in which an addition to or modification of requirements could potentially result in a cost to certain entities, we do not expect the costs to be significant. NPIP membership is voluntary. The changes contained in this final rule were decided upon by the NPIP General Conference Committee and voting delegates during the 2018 NPIP Biennial Conference; the changes were recognized by the poultry industry as being in their interest.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection requirements included in this final rule were filed under Office of Management and Budget (OMB) control number 0579–0474. When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal Register** providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Mr. Joseph Moxey, APHIS' Information Collection Coordinator, at (301) 851–2483.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs has designated this action as a rule that is not a major rule, as defined by 5 U.S.C. 804(2).

List of Subjects

9 CFR Part 56

Animal diseases, Indemnity payments, Low pathogenic avian influenza, Poultry.

9 CFR Parts 145, 146, and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR parts 56, 145, 146, and 147 as follows:

PART 56–CONTROL OF H5/H7 LOW PATHOGENIC AVIAN INFLUENZA

■ 1. The authority citation for part 56 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 56.1 is amended as follows:

■ a. By adding, in alphabetical order, definitions for *Cleaning, Compensation,* and *Disinfection;*

■ b. By removing the definitions for *H5/H7 LPAI exposed* and *H5/H7 LPAI virus infection (infected);* and

■ c. By adding, in alphabetical order, definitions for *H5/H7 LPAI virus actively infected (infectious), H5/H7 LPAI virus exposed (non-infectious), Indemnity,* and *Virus elimination (VE).*

The additions read as follows:

§ 56.1 Definitions.

* * * * *

Cleaning. The removal of gross contamination, organic material, and debris from the premises or respective structures, via mechanical means like sweeping (dry cleaning) and/or the use of water and soap or detergent (wet cleaning), in order to minimize organic material to prepare for effective disinfection.

* * * * *

Compensation. In the case of H5/H7 LPAI detection, compensation specifically refers to reimbursement for the activities associated with the depopulation of infected or exposed poultry, including the disposal of contaminated carcasses and materials and the cleaning and disinfection of premises, conveyances, and materials that came into contact with infected or exposed poultry. In the case of contaminated materials, if the cost of cleaning and disinfection would exceed the value of the materials, or cleaning and disinfection would be impracticable for any reason, APHIS' Veterinary Services will base compensation on the fair market value (depreciated value) of those materials. Compensation does not include payment for depopulated birds or eggs destroyed (see definition of *Indemnity* in this section).

* * * * *

Disinfection. Methods used on surfaces to destroy or eliminate H5/H7 LPAI virus through physical (*e.g.,* heat) or chemical (*e.g.,* disinfectant) means. A combination of methods may be required.

* * * * *

H5/H7 LPAI virus actively infected (infectious). (1) Poultry will be considered to be actively infected with H5/H7 LPAI for the purposes of this part if:

(i) H5/H7 LPAI virus has been isolated and identified as such from poultry; or

(ii) Viral antigen or viral RNA specific to the H5 or H7 subtype of AI virus has been detected in poultry.

(2) The official determination that H5/H7 LPAI virus has been isolated and identified, or viral antigen or viral RNA specific to the H5 or H7 subtype of AI virus has been detected, may only be made by the National Veterinary Services Laboratories.

H5/H7 LPAI virus exposed (non-infectious). (1) Poultry will be considered to be exposed (non-infectious) to H5/H7 LPAI for the purposes of this part if:

(i) Antibodies to the H5 or H7 subtype of the AI virus that are not a consequence of vaccination have been detected in poultry; and

(ii) Samples collected from the flock using real-time reverse transcription polymerase chain reaction (RT–PCR) or virus isolation are determined to be not infectious for H5/H7 LPAI.

(2) The official determination that H5/H7 LPAI virus exposure has occurred is by the identification of antibodies to the H5 or H7 subtype of AI virus detected and may only be made by the National Veterinary Services Laboratories.

Indemnity. Payments representing the fair market value of destroyed birds and eggs. Indemnity does not include reimbursements for depopulation, disposal, destroyed materials, or cleaning and disinfection (virus elimination) activities; these activities are covered under compensation (see definition of *Compensation* in this section).

* * * * *

Virus elimination (VE). Cleaning and disinfection measures conducted to destroy or eliminate all AI virus on an affected premises.

■ 3. Section 56.3 is amended by revising the section heading and paragraphs (a) introductory text, (b), and (c) to read as follows:

§ 56.3 Payment of indemnity and/or compensation.

(a) *Activities eligible for indemnity and/or compensation.* The Administrator may pay indemnity and/or compensation for the activities listed in this paragraph (a), as provided in paragraph (b) of this section:

* * * * *

(b) *Percentage of costs eligible for indemnity and/or compensation.* Except for poultry that are described by the categories in this paragraph (b), the Administrator is authorized to pay 100 percent of the costs and/or compensation, as determined in accordance with § 56.4, of the activities described in paragraphs (a)(1) through (3) of this section, regardless of whether the infected or exposed poultry participate in the Plan. For infected or exposed poultry that are described by the categories in this paragraph (b), the Administrator is authorized to pay 25 percent of the costs of the activities described in paragraphs (a)(1) through (3) of this section:

(1)(i) The poultry are from a breeding flock, commercial flock, or slaughter plant that participates in any Plan program in part 145 or 146 of this chapter but that does not participate in the U.S. Avian Influenza Clean, U.S. H5/H7 Avian Influenza Clean, or U.S. H5/H7 Avian Influenza Monitored program of the Plan available to the flock in part 145 or 146 of this chapter; and

(ii) The poultry are from:

(A) A commercial table-egg laying premises with at least 75,000 birds; or

(B) A meat-type chicken slaughter plant that slaughters at least 200,000 meat-type chickens in an operating week; or

(C) A meat-type turkey slaughter plant that slaughters at least 2 million meat-type turkeys in a 12-month period; or

(D) A commercial waterfowl and commercial upland game bird slaughter plant that slaughters at least 50,000 birds annually; or

(E) A raised-for-release upland game bird premises, raised-for-release waterfowl premises, and commercial upland game bird or commercial waterfowl producing eggs for human consumption premises that raise at least 25,000 birds annually; or

(F) A breeder flock premises with at least 5,000 birds.

(2) The poultry are located in a State that does not participate in the diagnostic surveillance program for H5/H7 LPAI, as described in § 146.14 of this chapter, or that does not have an initial State response and containment plan for H5/H7 LPAI that is approved by APHIS

under § 56.10, unless such poultry participate in the Plan with another State that does participate in the diagnostic surveillance program for H5/H7 LPAI, as described in § 146.14 of this chapter, and has an initial State response and containment plan for H5/H7 LPAI that is approved by APHIS under § 56.10.

(c) *Other sources of payment.* If the recipient of indemnity and/or compensation for any of the activities listed in paragraphs (a)(1) through (3) of this section also receives payment for any of those activities from a State or from other sources, the indemnity and/or compensation provided under this part may be reduced by the total amount of payment received from the State or other sources to the extent that total payments do not exceed 100 percent of total reimbursable indemnity and/or compensation amounts.

■ 4. Section 56.4 is revised to read as follows:

§ 56.4 Determination of indemnity and/or compensation amounts.

(a) *Destruction and disposal of poultry.* (1) Indemnity for the destruction of poultry and/or eggs infected with or exposed to H5/H7 LPAI will be based on the fair market value of the poultry and/or eggs, as determined by an appraisal. Poultry infected with or exposed to H5/H7 LPAI that are removed by APHIS or a Cooperating State Agency from a flock will be appraised by an APHIS official appraiser and a State official appraiser jointly, or, if APHIS and State authorities agree, by either an APHIS official appraiser or a State official appraiser alone. For laying hens, the appraised value should include the hen's projected future egg production. Appraisals of poultry must be reported on forms furnished by APHIS and signed by the appraisers and must be signed by the owners of the poultry to indicate agreement with the appraisal amount. Appraisals of poultry must be signed by the owners of the poultry prior to the destruction of the poultry, unless the owners, APHIS, and the Cooperating State Agency agree that the poultry may be destroyed immediately. Reports of appraisals must show the number of birds and the value per head.

(2) Compensation for disposal of poultry and/or eggs infected with or exposed to H5/H7 LPAI will be based on receipts or other documentation maintained by the claimant verifying expenditures for disposal activities authorized by this part. Any disposal of poultry infected with or exposed to H5/H7 LPAI for which compensation is requested must be performed under a compliance agreement between the claimant and APHIS. APHIS will review claims for compensation for disposal to ensure that all expenditures relate directly to activities described in § 56.5 and in the initial State response and containment plan described in § 56.10. If disposal is performed by the Cooperating State Agency, APHIS will compensate the Cooperating State Agency for disposal under a cooperative agreement.

(3) The destruction and disposal of the poultry and/or eggs must be conducted in accordance with the initial State response and containment plan for H5/H7 LPAI, as described in § 56.10.

(b) *Cleaning and disinfection (virus elimination).* (1) Compensation for cleaning and disinfection (virus elimination) of premises, conveyances, and materials that came into contact with poultry that are infected with or exposed to H5/H7 LPAI will be determined using the current APHIS flat-rate virus elimination (VE) calculator in effect at the time of the infection, except in instances when the claimant and APHIS jointly agree the VE calculator is not applicable to the premises type.

(2) For premises types for which a flat-rate VE calculator is not applicable, reimbursement will be based on receipts or other documentation maintained by the claimant verifying expenditures for cleaning and disinfection (virus elimination) activities authorized by this part. Any cleaning and disinfection (virus elimination) of premises, conveyances, and materials for which compensation is requested must be performed under a compliance agreement between the claimant, the Cooperating State Agency, and APHIS. APHIS will review claims for compensation for cleaning and disinfection (virus elimination) to ensure that all expenditures relate directly to activities described in § 56.5 and in the initial State response and containment plan described in § 56.10.

(i) In the case of materials, if the cost of cleaning and disinfection (virus elimination) would exceed the value of the materials or cleaning and disinfection (virus elimination) would be impracticable for any reason, compensation for the destruction of the materials will be based on the fair market value (depreciated value) of those materials, as determined by an appraisal. Materials will be appraised by an APHIS official appraiser. Compensation for disposal of the materials will be based on receipts or other documentation maintained by the claimant verifying expenditures for disposal activities authorized by this part. Appraisals of materials must be reported on forms furnished by APHIS and must be signed by the appraisers and by the owners of the materials to indicate agreement with the appraisal amount. Appraisals of materials must be signed and received by APHIS prior to the disassembly or destruction of the materials, unless the owners, APHIS, and the Cooperating State Agency agree in writing that the materials may be disassembled and/or destroyed immediately. Any disposal of materials for which compensation is requested must be performed under a compliance agreement between the claimant, the Cooperating State Agency, and APHIS. APHIS will review claims for compensation for disposal to ensure that all expenditures relate directly to activities described in § 56.5 and in the initial State response and containment plan described in § 56.10.

(ii) [Reserved]

(c) *Requirements for compliance agreements.* The compliance agreement is a comprehensive document that describes the depopulation, disposal, and cleaning and disinfection plans for poultry that were infected with or exposed to H5/H7 LPAI, or a premises that contained such poultry. The compliance agreement must set out cost estimates that include labor, materials, supplies, equipment, personal protective equipment, and any additional information deemed necessary by APHIS. A compliance agreement is comparable to a statement of work and must indicate what tasks will be completed, who will be responsible for each task, and how much the work is expected to cost. A compliance agreement may also be referred to as a detailed financial plan. Once work associated with the compliance agreement is completed, receipts and documentation detailing the activities specified in the agreement should be forwarded to APHIS for review, approval, and final payment. This documentation should be submitted to APHIS no later than 30 days after the quarantine release of the affected or exposed premises.

(Approved by the Office of Management and Budget under control numbers 0579–0007 and 0579–0474)

■ 5. Section 56.5 is amended as follows:

■ a. By revising the section heading;

■ b. In paragraph (c)(1) introductory text, by adding the words ''and maintain their current National Poultry Improvement Plan (NPIP) certifications'' after the words ''controlled marketing''; and

■ c. By revising paragraphs (c)(2) and (d).

The revisions read as follows:

§ 56.5 Destruction and disposal of poultry and cleaning and disinfection (virus elimination) of premises, conveyances, and materials.

* * * * *

(c) * * *

(2) Poultry moved for controlled marketing will not be eligible for indemnity under § 56.3. However, any costs related to cleaning and disinfection (virus elimination) of premises, conveyances, and materials that came into contact with poultry that are moved for controlled marketing will be eligible for compensation under § 56.3.

(d) *Cleaning and disinfection (virus elimination) of premises, conveyances, and materials.* Premises, conveyances, and materials that came into contact with poultry infected with or exposed to H5/H7 LPAI must be cleaned and disinfected; *Provided,* that materials for which the cost of cleaning and disinfection would exceed the value of the materials or for which cleaning and disinfection would be impracticable for any reason may be destroyed and disposed. Cleaning and disinfection must be performed in accordance with the initial State response and containment plan described in § 56.10, which must be approved by APHIS. Cleaning and disinfection must also be performed in accordance with any applicable State and local environmental regulations.

■ 6. Section 56.6 is amended as follows:

■ a. By revising the section heading;

■ b. In paragraph (a), by removing the word ''Compensation'' and adding the word ''Indemnity'' in its place;

■ c. By revising paragraph (b); and

■ d. In paragraph (c), by adding the words ''(virus elimination)'' after the word ''disinfection'' each time it appears.

The revision reads as follows:

§ 56.6 Presentation of claims for indemnity and/or compensation.

* * * * *

(b) Indemnity for the value of eggs to be destroyed due to infection or exposure to H5/H7 LPAI; and

* * * * *

■ 7. Section 56.8 is amended as follows:

■ a. In paragraph (a) introductory text, by removing the word ''may'' and adding the word ''shall'' in its place; and

■ b. By revising paragraph (b).

The revision reads as follows:

§ 56.8 Conditions for payment.

* * * * *

(b)(1) If indemnity for the destroyed poultry or eggs is being provided for 100 percent of eligible costs under § 56.3(b), the Administrator may pay contractors eligible for indemnity under this section 100 percent of the amount determined in paragraph (a) of this section.

(2) If indemnity for the destroyed poultry or eggs is being provided for 25 percent of eligible costs under § 56.3(b), the Administrator may pay contractors eligible for indemnity under this section 25 percent of the amount determined in paragraph (a) of this section.

* * * * *

§ 56.9 [Amended]

■ 8. Section 56.9 is amended as follows:

■ a. In paragraph (a), by removing the citation ''§ 56.4(a)(1)'' and adding the citation ''§ 56.4(a)'' in its place; and

■ b. In paragraph (b), by adding the words ''and/or compensation'' after the word ''indemnity'' both times it appears.

■ 9. Section 56.10 is amended as follows:

■ a. In paragraph (a) introductory text, by adding the words ''and/or compensation'' after the word ''indemnity''; and

■ b. By adding an OMB citation at the end of the section.

The addition reads as follows:

§ 56.10 Initial State response and containment plan.

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0474)

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN FOR BREEDING POULTRY

■ 10. The authority citation for part 145 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 11. Section 145.1 is amended as follows:

■ a. By revising the definition for *Avian influenza;*

■ b. By adding, in alphabetical order, a definition for *Newcastle disease;* and

■ c. By revising the definition for *NPIP Program Standards.*

The revisions and addition read as follows:

§ 145.1 Definitions.

* * * * *

Avian influenza. Avian influenza is defined as an infection of poultry caused by any influenza A virus of the H5 or H7 subtypes or by any influenza A virus with an intravenous pathogenicity index (IVPI) greater than 1.2 (or as an alternative at least 75 percent mortality).

* * * * *

Newcastle disease. Newcastle disease (ND) is defined as an infection of poultry caused by Newcastle disease virus (NDV), which is an avian paramyxovirus serotype 1 (APMV–1) that meets one of the following criteria for virulence:

(1) The virus has an intracerebral pathogenicity index (ICPI) in day-old chicks (Gallusgallus) of 0.7 or greater; or

(2) Multiple basic amino acids have been demonstrated in the virus (either directly or by deduction) at the C-terminus of the F2 protein and phenylalanine at residue 117, which is the N-terminus of the F1 protein. The term 'multiple basic amino acids' refers to at least three arginine or lysine residues between residues 113 and 116. Failure to demonstrate the characteristic pattern of amino acid residues as described in the preceding sentences would require characterization of the isolated virus by an ICPI test.

NPIP Program Standards. A document that contains tests and sanitation procedures approved by the Administrator in accordance with § 147.53 of this subchapter for use under this subchapter. This document may be obtained from the National Poultry Improvement Plan (NPIP) website at *http://www.poultryimprovement.org/* or by writing to the Service at National Poultry Improvement Plan, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094.

* * * * *

■ 12. Section 145.7 is revised to read as follows:

§ 145.7 Specific provisions for participating dealers.

Dealers in hatching eggs, newly hatched poultry, or started poultry shall comply with the provisions in this part (within the NPIP Program Standards document, Program Standard C applies to hatcheries; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter).

■ 13. Section 145.14 is amended as follows:

■ a. By revising paragraphs (d)(1) and (2) introductory text; and

■ b. By adding paragraph (e).

The revisions and addition read as follows:

§ 145.14 Testing.

* * * * *

(d) * * *

(1) *Antibody detection tests*—(i) *Enzyme-linked immunosorbent assay (ELISA) test.* (A) The ELISA test must be conducted using test kits approved by the Department and the Official State Agency and must be conducted in

accordance with the recommendations of the producer or manufacturer.

(B) When positive ELISA samples are identified, an AGID test must be conducted within 48 hours.

(ii) *Agar gel immunodiffusion (AGID) test.* (A) The AGID test must be conducted using reagents approved by the Department and the Official State Agency.

(B) The AGID test for avian influenza must be conducted in accordance with this section (within the NPIP Program Standards document, Program Standard A applies to blood and yolk testing procedures; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter) for the avian influenza agar gel immunodiffusion (AGID) test. The test can be conducted on egg yolk or blood samples. The AGID test is not recommended for use in waterfowl.

(C) Positive tests for the AGID must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

(2) *Agent detection tests.* Agent detection tests may be used to detect influenza A virus but not to determine hemagglutinin or neuraminidase subtypes. Samples for agent detection testing should be collected from naturally occurring flock mortality or clinically ill birds.

* * * * *

(e) *For Newcastle Disease (ND).* The official tests for ND are serological tests for antibody detection or molecular-based tests for antigen detection.

* * * * *

§ 145.23 [Amended]

■ 14. Section 145.23 is amended as follows:

■ a. By removing paragraphs (d)(1)(vi) and (vii) and redesignating paragraphs (d)(1)(viii) and (ix) as paragraphs (d)(1)(vi) and (vii), respectively; and

b. By removing paragraph (d)(3) and redesignating paragraphs (d)(4) and (5) as paragraphs (d)(3) and (4), respectively.

§ 145.24 [Amended]

■ 15. In § 145.24, paragraph (a)(1)(i) is amended by removing ''§ 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), § 145.53(b)(3)(i) through (vii), § 145.73(b)(2)(i), § 145.83(b)(2)(i), and § 145.93(b)(3)(i) through (vii)'' and adding ''§§ 145.23(b)(3)(i) through (vii), 145.33(b)(3)(i) through (vii), 145.43(b)(3)(i) through (vi), 145.53(b)(3)(i) through (vii), 145.73(b)(2)(i), 145.83(b)(2)(i), 145.93(b)(3)(i) through (vii), and 145.103(b)(3)(i) through (ix)'' in its place.

■ 16. Section 145.33 is amended as follows:

■ a. In paragraph (l)(1)(ii), by removing the number ''30'' and adding the number ''15'' in its place; and

■ b. By revising paragraph (l)(2).

The revision reads as follows:

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(l) * * *

(2) During each 90-day period, all multiplier spent fowl, up to a maximum of 30, must be tested and found negative for avian influenza within 21 days prior to movement to slaughter.

* * * * *

§ 145.34 [Amended]

■ 17. In § 145.34, paragraph (a)(1)(i) is amended by removing ''§ 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), § 145.53(b)(3)(i) through (vii), § 145.73(b)(2)(i), § 145.83(b)(2)(i), and § 145.93(b)(3)(i) through (vii)'' and adding ''§§ 145.23(b)(3)(i) through (vii), 145.33(b)(3)(i) through (vii), 145.43(b)(3)(i) through (vi), 145.53(b)(3)(i) through (vii), 145.73(b)(2)(i), 145.83(b)(2)(i), 145.93(b)(3)(i) through (vii), and 145.103(b)(3)(i) through (ix)'' in its place.

■ 18. Section 145.43 is amended by adding paragraph (h) and revising the OMB citation at the end of the section to read as follows:

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(h) *U.S. Newcastle Disease Clean.* The program in this paragraph (h) is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of Newcastle disease. It is intended to determine the presence of Newcastle disease in primary breeding turkeys through vaccination and/or monitoring of each participating breeding flock. A flock and the hatching eggs and poults produced from it will qualify for classification in this paragraph (h) when the Official State Agency determines that they have met the following requirements:

(1) It is a primary breeding flock that is either:

(i) Vaccinated for Newcastle disease using USDA-licensed vaccines and response to vaccination is serologically monitored using an approved test as described in § 145.14 when more than 4 months of age, and meets the criteria in paragraph (h)(2) of this section to retain classification; or

(ii) Unvaccinated for Newcastle disease, in which a minimum of 30 birds have tested negative to ND using an approved test as described in § 145.14 when more than 4 months of age and meets criteria in paragraph (h)(3) of this section to retain classification.

(2) To retain the classification in this paragraph (h) for vaccinated flocks:

(i) Vaccines for ND must be USDA-licensed vaccines administered during early stages of development through rearing, and inactivated vaccines as final vaccination prior to the onset of egg production; and

(ii) The flock has been monitored for antibody response using approved serological tests as listed in § 145.14 and the results are compatible with immunological response against ND vaccination; and

(iii) Testing must include a minimum of 30 birds with a serologic monitoring program when more than 4 months of age and prior to the onset of production and not longer than every 90 days thereafter.

(3) To retain the classification in this paragraph (h) for unvaccinated flocks:

(i) A minimum of 30 birds per flock must test negative using an approved test in § 145.14 at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period; and

(iii) During each 90-day period, all primary spent fowl, up to a maximum of 30, must test negative to ND within 21 days prior to movement to slaughter.

(4) Newcastle disease must be a disease reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for ND.

(Approved by the Office of Management and Budget under control numbers 0579–0007 and 0579–0474)

§ 145.44 [Amended]

■ 19. In § 145.44, paragraph (a)(1)(i) is amended by removing ''§ 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), § 145.53(b)(3)(i) through (vii), § 145.73(b)(2)(i), § 145.83(b)(2)(i), and

§ 145.93(b)(3)(i) through (vii)'' and adding ''§§ 145.23(b)(3)(i) through (vii), 145.33(b)(3)(i) through (vii), 145.43(b)(3)(i) through (vi), 145.53(b)(3)(i) through (vii), 145.73(b)(2)(i), § 145.83(b)(2)(i), 145.93(b)(3)(i) through (vii), and 145.103(b)(3)(i) through (ix)'' in its place.

■ 20. Section 145.45 is amended as follows:

■ a. By revising paragraph (a) introductory text;

■ b. In paragraph (a)(1) introductory text, by adding the words ''and ND'' after the word ''AI'' each time it appears;

■ c. In paragraph (a)(1)(i):

■ i. By adding the words ''and ND Clean in accordance with § 145.43(h)'' after the citation ''§ 145.43(g)'';

■ ii. By adding the words ''and ND'' after the words ''official tests for AI'' and adding the words ''and (e)'' after the citation ''§ 145.14(d)''; and

■ iii. By removing the word ''AI-related'' and adding the words ''AI and ND-related'' in its place;

■ d. In paragraphs (a)(1)(iii) introductory text, (a)(1)(iii)(B) and (E), and (a)(1)(v), by adding the words ''and ND'' after the word ''AI'' each time it appears;

■ e. In paragraph (a)(1)(vi), by adding the words ''and ND'' after the word ''Influenza'';

■ f. In paragraph (a)(2)(iii):

■ i. By removing the words ''Clean classification'' and adding the words ''and ND Clean classifications'' in their place;

■ ii. By adding the words ''and ND'' after the word ''AI'' both times it appears; and

■ iii. By removing the words ''avian influenza surveillance'' and adding the words ''avian influenza and ND surveillance'' in their place;

■ g. In paragraph (a)(3)(iii), by adding the words ''and ND'' after the word ''Influenza'';

■ h. In paragraph (a)(3)(iv), by adding the words ''and ND Clean program as described in § 145.43(h)'' after the citation ''§ 145.43(g)'';

■ i. In paragraph (a)(3)(vii), by adding the words ''and (h)'' after the citation ''145.43(g)'';

■ j. In paragraph (a)(4), by adding the words ''and ND'' after the word ''AI'' both times it appears; and

■ k. By adding an OMB citation at the end of the section.

The revision and addition read as follows:

§ 145.45 Terminology and classification; compartments.

(a) *US H5/H7 AI and ND Clean Compartment.* The program in this section is intended to be the basis from which the primary turkey breeding-hatchery industry may demonstrate the existence and implementation of a program that has been approved by the Official State Agency and APHIS to establish a compartment consisting of a primary breeding-hatchery company that is free of H5/H7 avian influenza (AI) and ND. This compartment has the purpose of protecting the defined subpopulation and avoiding the introduction and spread of H5/H7 AI and ND within that subpopulation by prohibiting contact with other commercial poultry operations, other domestic and wild birds, and other intensive animal operations. The program shall consist of the following:

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0474)

■ 21. The heading for subpart E, consisting of §§ 145.51 through 146.54, is revised to read as follows:

Subpart E—Special Provisions for Hobbyist and Exhibition Poultry, and Raised-for-Release Waterfowl Breeding Flocks and Products

■ 22. Section 145.51 is amended as follows:

■ a. By removing the definition for *Game birds;*

■ b. By adding, in alphabetical order, definitions for *Hobbyist poultry* and *Raised-for-release waterfowl;* and

■ c. By removing the definition for *Waterfowl.*

The additions read as follows:

§ 145.51 Definitions.

* * * * *

Hobbyist poultry. Domesticated fowl which are bred for the purpose of meat and/or egg production on a small scale as determined by the Official State Agency.

Raised-for-release waterfowl. Domesticated fowl that normally swim, such as ducks and geese, grown under confinement for the primary purpose of producing eggs, chicks, started, or mature birds for release on game preserves or in the wild.

■ 23. Section 145.52 is amended as follows:

■ a. By revising the introductory text;

■ b. In paragraph (c), by removing the words ''in open-air facilities''; and

■ c. By adding paragraph (f).

The revision and addition read as follows:

§ 145.52 Participation.

Participating flocks of hobbyist and exhibition poultry, raised-for-release waterfowl, and the eggs, chicks, started, and mature poultry produced from them shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart. The special provisions that apply to meat-type waterfowl flocks are found in subpart I of this part. The special provisions that apply to game bird flocks are found in subpart J of this part.

* * * * *

(f) All participating raised-for-release waterfowl flocks, regardless of whether they are breeders or non-breeders, shall be enrolled under this subpart.

■ 24. Section 145.53 is amended as follows:

■ a. In the introductory text, by removing the words ''and baby'' and adding the words '', chicks, started, and mature'' in their place.

■ b. In paragraph (b)(5), by removing the words ''exhibition waterfowl or''; and

■ c. By revising paragraph (f).

The revision reads as follows:

§ 145.53 Terminology and classification; flocks and products.

* * * * *

(f) *U.S. Salmonella Monitored.* The program in this paragraph (f) is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of salmonellosis. It is intended to reduce the incidence of Salmonella organisms in hatching eggs and day-old poultry through an effective and practical sanitation and testing program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of *Salmonella* in their products. The following requirements must be met for a flock or hatchery to be eligible for the classification in this paragraph (f) as determined by the Official State Agency:

(1) Hatcheries must be kept in a sanitary condition as applicable and as outlined in § 145.6 (within the NPIP Program Standards document, Program Standard C applies to hatcheries; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter).

(2) An Authorized Agent shall collect and submit to an authorized laboratory:

(i) A minimum of five samples from the hatchery at least every 30 days while in operation. These samples may include: Hatchery debris, swabs from hatchers, setters, hatchery environment, hatchery equipment, sexing tables and belts, meconium, chick box papers, hatching trays, or chick transfer devices. Samples will be examined

bacteriologically at an authorized laboratory for *Salmonella*; and

(ii) Annual environmental samples from each pullet and breeder farm in accordance with this section (within the NPIP Program Standards document, Program Standard B applies to bacteriological examination procedures; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter). Samples will be examined bacteriologically at an authorized laboratory for *Salmonella.*

(3) If *Salmonella* is identified through this testing:

(i) A qualified poultry health professional knowledgeable with the operation will be consulted and will:

(A) Review test results to evaluate the *Salmonella* monitoring program.

(B) Use the *Salmonella* monitoring program test results to develop appropriate and practical *Salmonella* intervention measures.

(ii) [Reserved]

(4) To claim products are of the classification in this paragraph (f), all products shall be derived from a farm or hatchery that meets the requirements of the classification.

* * * * *

§ 145.54 [Amended]

■ 25. In § 145.54, paragraph (a)(1)(i) is amended by removing ''§ 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), § 145.53(b)(3)(i) through (vii), § 145.73(b)(2)(i), § 145.83(b)(2)(i), and § 145.93(b)(3)(i) through (vii)'' and adding ''§§ 145.23(b)(3)(i) through (vii), 145.33(b)(3)(i) through (vii), 145.43(b)(3)(i) through (vi), 145.53(b)(3)(i) through (vii), 145.73(b)(2)(i), 145.83(b)(2)(i), 145.93(b)(3)(i) through (vii), and 145.103(b)(3)(i) through (ix)'' in its place.

■ 26. Section 145.73 is amended as follows:

■ a. By removing paragraphs (d)(1)(vi) and (vii) and redesignating paragraphs (d)(1)(viii) and (ix) as paragraphs (d)(1)(vi) and (vii), respectively;

■ b. By removing paragraph (d)(3) and redesignating paragraphs (d)(4) and (5) as paragraphs (d)(3) and (4), respectively; and

■ c. By adding paragraph (h) and an OMB citation at the end of the section.

The additions read as follows:

§ 145.73 Terminology and classification; flocks and products.

* * * * *

(h) *U.S. Newcastle Disease Clean.* The program in this paragraph (h) is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of Newcastle disease. It is intended to determine the presence of Newcastle disease in primary breeding chickens through vaccination and/or monitoring of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for the classification in this paragraph (h) when the Official State Agency determines that they have met the following requirements:

(1) It is a primary breeding flock that is either:

(i) Vaccinated for Newcastle disease using USDA-licensed vaccines and response to vaccination is serologically monitored using an approved test as described in § 145.14 when more than 4 months of age and meets the criteria in paragraph (h)(2) of this section to retain classification; or

(ii) Unvaccinated for Newcastle disease, in which a minimum of 30 birds have tested negative to ND using an approved test as described in § 145.14 when more than 4 months of age and meets criteria in paragraph (h)(3) of this section to retain classification.

(2) To retain the classification in this paragraph (h) for vaccinated flocks:

(i) Vaccines for ND must be USDA-licensed vaccines administered during early stages of development through rearing, and inactivated vaccines as final vaccination prior to the onset of egg production; and

(ii) The flock has been monitored for antibody response using approved serological tests as listed in § 145.14 and the results are compatible with immunological response against ND vaccination; and

(iii) Testing must include a minimum of 30 birds with a serologic monitoring program when more than 4 months of age and prior to the onset of production and not longer than every 90 days thereafter.

(3) To retain the classification in this paragraph (h) for unvaccinated flocks:

(i) A minimum of 30 birds per flock must test negative using an approved test as described in § 145.14 at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period; and

(iii) During each 90-day period, all primary spent fowl, up to a maximum of 30, must test negative to ND within 21 days prior to movement to slaughter.

(4) Newcastle disease must be a disease reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for ND.

(Approved by the Office of Management and Budget under control number 0579–0474)

■ 27. Section 145.74 is amended as follows:

■ a. In paragraph (a) introductory text, by revising the heading, adding the words ''and Newcastle disease (ND)'' after the word ''(AI)'', and adding the words ''and ND'' after the word ''AI'';

■ b. In paragraph (a)(1) introductory text, by adding the words ''and ND'' after the word ''AI'' each time it appears;

■ c. In paragraph (a)(1)(i):

■ i. By adding the words ''and ND Clean in accordance with § 145.73(h)'' after the words ''in accordance with § 145.73(f)'';

■ ii. By adding the words ''and ND'' after the words ''official tests for AI'' and adding the words ''and (e)'' after the citation ''§ 145.14(d)''; and

■ iii. By removing the word ''AI-related'' and adding the words ''AI and ND-related'' in its place;

■ d. In paragraphs (a)(1)(iii) introductory text, (a)(1)(iii)(B) and (E), and (a)(1)(v), by adding the words ''and ND'' after the word ''AI'' each time it appears;

■ e. In paragraph (a)(1)(vi), by adding the words ''and ND'' after the word ''Influenza'';

■ f. In paragraph (a)(2)(iii):

■ i. By removing the words ''Clean classification'' and adding the words ''and ND Clean classifications'' in their place;

■ ii. By adding the words ''and ND'' after the word ''AI'' both times it appears; and

■ iii. By removing the words ''avian influenza surveillance'' and adding the words ''avian influenza and ND surveillance'' in their place;

■ g. In paragraph (a)(3)(iii), by adding the words ''and ND'' after the word ''Influenza'';

■ h. In paragraph (a)(3)(iv), by adding the words ''and ND Clean program as described in

§ 145.73 (h)'' after the citation ''§ 145.73(f)'';

■ i. In paragraph (a)(3)(vii), by removing the citation ''§§ 145.15 and 145.73(f)'' and adding the citation ''§§ 145.15, 145.73(f), and 145.73(h)'' in its place;

■ j. In paragraph (a)(4), by adding the words ''and/or ND'' after the word ''AI'' both times it appears; and

■ k. By adding an OMB citation at the end of the section.

The revision and addition read as follows:

§ 145.74 Terminology and classification; compartments.

(a) *U.S. Avian Influenza and Newcastle Disease Clean Compartment.* * * *

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0474)

■ 28. Section 145.83 is amended as follows:

■ a. By removing paragraph (e)(1)(iv) and redesignating paragraphs (e)(1)(v) and (vi) as paragraphs (e)(1)(iv) and (v), respectively; and

■ b. By adding paragraph (h) and an OMB citation at the end of the section.

The additions read as follows:

§ 145.83 Terminology and classification; flocks and products.

* * * * *

(h) *U.S. Newcastle Disease (ND) Clean.* The program in this paragraph (h) is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of Newcastle disease. It is intended to determine the presence of Newcastle disease in primary breeding chickens through vaccination and/or monitoring of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for the classification in this paragraph (h) when the Official State Agency determines that they have met the following requirements:

(1) It is a primary breeding flock that is either:

(i) Vaccinated for Newcastle disease using USDA-licensed vaccines and response to vaccination is serologically monitored using an approved test as described in § 145.14 when more than 4 months of age and meets the criteria in paragraph (h)(2) of this section to retain classification; or

(ii) Unvaccinated for Newcastle disease, in which a minimum of 30 birds have tested negative to ND using an approved test as described in § 145.14 when more than 4 months of age and meets criteria in paragraph (h)(3) of this section to retain classification.

(2) To retain the classification in this paragraph (h) for vaccinated flocks:

(i) Vaccines for ND must be USDA-licensed vaccines administered during early stages of development through rearing, and inactivated vaccines as final vaccination prior to the onset of egg production; and

(ii) The flock has been monitored for antibody response using approved serological tests as described in § 145.14 and the results are compatible with immunological response against ND vaccination; and

(iii) Testing must include a minimum of 30 birds with a serologic monitoring program when more than 4 months of age and prior to the onset of production, and not longer than every 90 days thereafter.

(3) To retain the classification in this paragraph (h) for unvaccinated flocks:

(i) A minimum of 30 birds per flock must test negative using an approved test as described in § 145.14 at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period; and

(iii) During each 90-day period, all primary spent fowl, up to a maximum of 30, must test negative to ND within 21 days prior to movement to slaughter.

(4) Newcastle disease must be a disease reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for ND.

(Approved by the Office of Management and Budget under control number 0579–0474)

■ 29. Section 145.84 is amended as follows:

■ a. In paragraph (a) introductory text, by revising the heading, adding the words ''and Newcastle disease (ND)'' after the words ''influenza (AI)'', and adding the words ''and ND'' after the words ''H5/H7 AI'';

■ b. In paragraph (a)(1) introductory text, by adding the words ''and ND'' after the word ''AI'' each time it appears;

■ c. By revising paragraph (a)(1)(i);

■ d. In paragraphs (a)(1)(iii) introductory text, (a)(1)(iii)(B) and (E), and (a)(1)(v), by adding the words ''and ND'' after the word ''AI'' each time it appears;

■ e. In paragraph (a)(1)(vi), by adding the words ''and ND'' after the word ''Influenza'';

■ f. In paragraph (a)(2)(iii):

■ i. Removing the words ''Clean classification'' and adding the words ''and ND Clean classifications'' in their place;

■ ii. Adding the words ''and ND'' after the word ''AI'' both times it appears; and

■ iii. Removing the words ''avian influenza surveillance'' and adding the words ''avian influenza and ND surveillance'' in their place;

■ g. In paragraph (a)(3)(iv), by adding the words ''and ND Clean program as described in § 145.83(h)'' after the citation ''§ 145.83(g)'';

■ h. In paragraph (a)(3)(vii), by adding the words ''and (h)'' after the citation ''145.83(g)'';. and

■ i. By adding an OMB citation at the end of the section.

The revisions and addition read as follows:

§ 145.84 Terminology and classification; compartments.

(a) *U.S. Avian Influenza and Newcastle Disease Clean Compartment.* * * *

(1) * * *

(i) *Definition and description of the subpopulation of birds and their health status.* All birds included in the compartment must be U.S. Avian Influenza Clean in accordance with § 145.83(g) and ND Clean in accordance with § 145.83(h). The poultry must also be located in a State that has an initial State response and containment plan approved by APHIS under § 56.10 of this chapter and that participates in the diagnostic surveillance program for H5/H7 low pathogenicity AI as described in § 145.15. Within the compartment, all official tests for AI and ND, as described in § 145.14(d) and (e), must be conducted in State or Federal laboratories or in NPIP authorized laboratories that meet the minimum standards described in § 147.52 of this subchapter. In addition, the company must provide to the Service upon request any relevant historical and current H5/H7 AI and ND-related data for reference regarding surveillance for the disease and the health status of the compartment. Upon request, the Official State Agency may provide such data for other commercial poultry populations located in the State.

* * * * *

(Approved by the Office of Management and Budget under control number 0579–0474)

§ 145.94 [Amended]

■ 30. In § 145.94, paragraph (a)(1)(i) is amended by removing the word ''and'' and adding '', and 145.103(b)(3)(i) through (ix)'' after the citation ''145.93(b)(3)(i) through (vii)''.

■ 31. Subpart J, consisting of §§ 145.101 to 145.104, is added to read as follows:

Subpart J—Special Provisions for Egg/Meat-Type Game Bird and Raised-for-Release Game Bird Breeding Flocks and Products

Sec.

145.101 Definitions.
145.102 Participation.
145.103 Terminology and classification; flocks and products.
145.104 Terminology and classification; States.

Subpart J—Special Provisions for Egg/Meat-Type Game Bird and Raised-for-Release Game Bird Breeding Flocks and Products

§ 145.101 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Egg/meat-type bird. Birds grown under confinement for the primary purpose of producing eggs and/or meat for human consumption.

Game birds. Domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

Raised-for-release bird. Birds grown under confinement for the primary purpose of producing eggs, chicks, started, or mature birds for release on game preserves or in the wild.

§ 145.102 Participation.

Participating flocks of egg/meat-type game birds, raised-for-release game birds, and the products produced from them shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart. Participation is broken into the following categories of operation and products:

(a) The categories for operation are:

(1) *Breeder.* An individual or business that maintains a breeding flock for the purpose of producing eggs, chicks, started, or mature birds. A breeder that is also a hatchery and/or grower shall be categorized as a breeder.

(2) *Hatchery.* A category of operations in which an individual or business does not have a breeding flock, but hatches eggs for the purpose of producing chicks, started, or mature birds. A hatchery that is also a grower shall be categorized as a hatchery.

(3) *Grower.* A category of operations in which an individual or business does not have a breeding flock or hatchery, but raises birds for the purpose of selling started or mature birds.

(4) *Dealer.* An individual or business that resells eggs, chicks, started, or mature birds. Products a dealer handles are typically resold within 30 days or less.

(b) The categories for products are:

(1) *Egg.* An egg laid by a female bird for the purpose of hatching a chick.

(2) *Chick.* A bird that is newly hatched from an egg.

(3) *Started bird.* A bird that is between the age of a newly hatched chick and a mature bird.

(4) *Mature bird.* A bird that is fully colored and has reached the average maximum size specific to each species.

(c) Products shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(d) Hatching eggs produced by breeding flocks shall be nest clean, fumigated, or otherwise sanitized in accordance with part 147 of this subchapter.

(e) It is recommended that gallinaceous flocks and waterfowl flocks be kept separate.

(f) Any nutritive material provided to baby poultry must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

(g) A flock of game birds that are not breeders, but are located on the same premise as game bird breeders, shall be covered under the same NPIP hatchery approval number as long as the appropriate testing requirements have been met.

(h) All participating raised-for-release game bird flocks, regardless of whether they are breeders or non-breeders, shall be enrolled under this subpart.

(i) A breeder, hatchery, or grower may also be a dealer without being categorized as a dealer. To resell products under the assigned NPIP number and avoid losing NPIP flock classifications, products must be purchased from an NPIP participant with equal or greater classifications or from a flock with equivalent or greater testing requirements under official supervision.

(j) Subject to the approval of the Service and the Official State Agencies in the importing and exporting States, participating flocks may report poultry sales to importing States by using either VS Form 9–3, ''Report of Sales of Hatching Eggs, Chicks, and Poults,'' or by using an invoice form (9–3I) approved by the Official State Agency and the Service to identify poultry sales to clients. If the 9–3I form is used, the following information must be included on the form:

(1) The form number ''9–3I'', printed or stamped on the invoice;

(2) The seller name and address;

(3) The date of shipment;

(4) The invoice number;

(5) The purchaser name and address;

(6) The quantity of products sold;

(7) Identification of the products by bird variety or by NPIP stock code as listed in the NPIP APHIS 91–55–078 appendix; and

(8) The appropriate NPIP illustrative design in § 145.10. One of the designs in § 145.10(b) or (g) must be used. The following information must be provided in or near the NPIP design:

(i) The NPIP State number and NPIP approval number; and

(ii) The NPIP classification for which product is qualified (*e.g.,* U.S. Pullorum-Typhoid Clean).

§ 145.103 Terminology and classification; flocks and products.

Participating flocks, and the eggs, chicks, started, and mature birds produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10.

(a) [Reserved]

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under paragraph (b)(1), (2), or (3) of this section. (See § 145.14 relating to the official blood test where applicable.):

(1) It has been officially blood tested within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

(2) It is a started or mature bird flock that meets the following specifications as determined by the Official State Agency and the Service:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) The flock is located on a premises where a flock not classified as U.S. Pullorum-Typhoid Clean was located the previous year; *Provided,* That an Authorized Testing Agent must blood test up to 300 birds per flock, as described in § 145.14, if the Official State Agency determines that the flock has been exposed to pullorum-typhoid. In making determinations of exposure and setting the number of birds to be blood tested, the Official State Agency shall evaluate the results of any blood tests, described in § 145.14(a)(1), that were performed on an unclassified flock located on the premises during the

previous year; the origins of the unclassified flock; and the probability of contacts between the flock for which qualification is being sought and infected wild birds, contact between the flock for which qualification is being sought and contaminated feed or waste, or contact between the flock for which qualification is being sought and birds, equipment, supplies, or personnel from flocks infected with pullorum-typhoid.

(3) It is a breeding flock that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with no reactors or reactors that upon bacteriologic examination fail to reveal Pullorum-Typhid: *Provided,* That a bacteriological examination monitoring program or serological examination monitoring program for game birds acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing: *And provided further,* That it is located in a State in which it has been determined by the Service that:

(i) All hatcheries within the State are qualified as ''National Plan Hatcheries'' or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided,* That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(v) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; *Provided,* That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then the National Poultry Improvement Plan will conduct an investigation;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(viii) The flock is located in a State in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks within the State during the preceding 24 months.

(ix) Discontinuation of any of the conditions or procedures described in paragraphs (b)(3)(i) through (viii) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views.

(c) *U.S. H5/H7 Avian Influenza Clean.* The program in this paragraph (c) is intended to be the basis from which the game bird industry may conduct a program for the prevention and control of the H5 and H7 subtypes of avian influenza. It is intended to determine the presence of the H5 and H7 subtypes of avian influenza in game bird flocks through routine surveillance of each participating flock. A flock or premises, and the hatching eggs, chicks, started, and mature birds produced from it, will qualify for the classification in this paragraph (c) when the Official State Agency determines that it has met the following requirements:

(1) It is a flock in which a minimum of 30 birds has been tested negative to the H5 and H7 subtypes of avian influenza as provided in § 145.14(d) when more than 4 months of age. To retain the classification in this paragraph (c):

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds are tested within each 90-day period.

(2) For participants with non-breeding flocks retained for raised-for-release or other purposes on the same premises as a breeding flock, a representative sample of at least 30 birds from the participating premises must be tested negative to the H5 and H7 subtypes of avian influenza as provided in § 145.14(d) when more than 4 months of age, every 90 days.

(d) *U.S. Salmonella Monitored.* The program in this paragraph (d) is intended to be the basis from which the game bird industry may conduct a program for the prevention and control of salmonellosis. It is intended to reduce the incidence of *Salmonella* organisms in day-old poultry through an effective and practical sanitation program in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of *Salmonella* in their products. The following requirements must be met for a flock to be of this classification in this paragraph (d):

(1) An Authorized Agent shall collect a minimum of five environmental samples, *e.g.,* chick papers, hatching trays, and chick transfer devices, from the hatchery at least every 30 days. Testing must be performed at an authorized laboratory.

(2) To claim products are of the classification in this paragraph (d), all products shall be derived from a hatchery that meets the requirements of the classification.

(3) The classification in this paragraph (d) may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

§ 145.104 Terminology and classification; States.

(a) *U.S. Pullorum-Typhoid Clean State.* (1) A State will be declared a U.S. Pullorum-Typhoid Clean State when it has been determined by the Service that:

(i) The State is in compliance with the provisions contained in §§ 145.23(b)(3)(i) through (vii), 145.33(b)(3)(i) through (vii), 145.43(b)(3)(i) through (vi), 145.53(b)(3)(i) through (vii), 145.73(b)(2)(i), 145.83(b)(2)(i), 145.93(b)(3)(i) through (vii), and 145.103(b)(3)(i) through (ix).

(ii) No pullorum disease or fowl typhoid is known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months: *Provided,* That pullorum disease or fowl typhoid found within the preceding 24 months in waterfowl,

exhibition poultry, and game bird breeding flocks will not prevent a State, which is otherwise eligible, from qualifying.

(2) If there is discontinuation of any of the conditions described in paragraph (a)(1)(i) of this section, or repeated outbreaks of pullorum or typhoid occur in hatchery supply flocks described in paragraph (a)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification in this paragraph (a). Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(b) [Reserved]

PART 146—NATIONAL POULTRY IMPROVEMENT PLAN FOR COMMERCIAL POULTRY

■ 32. The authority citation for part 146 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 33. Section 146.13 is amended as follows:

■ a. By revising paragraph (b)(1); and

■ b. In paragraph (b)(2) introductory text, by removing the words ''matrix gene or protein'' and adding the word ''virus'' in their place.

The revision reads as follows:

§ 146.13 Testing.

* * * * *

(b) * * *

(1) *Antibody detection tests*—(i) *Enzyme-linked immunosorbent assay (ELISA) test.* (A) The ELISA test must be conducted using test kits approved by the Department and the Official State Agency and must be conducted in accordance with the recommendations of the producer or manufacturer.

(B) When positive ELISA samples are identified, an AGID test must be conducted within 48 hours.

(ii) *Agar gel immunodiffusion (AGID) test.* (A) The AGID test must be conducted using reagents approved by the Department and the Official State Agency.

(B) The AGID test for avian influenza must be conducted in accordance with this section (within the NPIP Program Standards, Program Standard A applies to blood and yolk testing procedures; alternatives to the program standards may also be approved by the Administrator under § 147.53 of this subchapter) for the avian influenza AGID test. The test can be conducted on egg yolk or blood samples. The AGID test is not recommended for use in waterfowl.

(C) Positive tests for the AGID must be further tested by Federal Reference Laboratories using appropriate tests for confirmation. Final judgment may be based upon further sampling and appropriate tests for confirmation.

* * * * *

■ 34. Section 146.51 is revised to read as follows:

§ 146.51 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Egg/meat-type game birds. Domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons grown under confinement for the primary purposes of producing eggs and/or meat for human consumption.

Egg/meat-type waterfowl. Domesticated ducks or geese grown under confinement for the primary purposes of producing eggs and/or meat for human consumption.

Meat-type game bird slaughter plant. A meat-type game bird slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection.

Meat-type waterfowl slaughter plant. A meat-type waterfowl slaughter plant that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection.

Shift. The working period of a group of employees who are on duty at the same time.

■ 35. Section 146.52 is revised to read as follows:

§ 146.52 Participation.

(a) Participating meat-type game bird slaughter plants, meat-type waterfowl slaughter plants, and egg-type game bird and egg-type waterfowl premises producing eggs for human consumption shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart.

(b) Meat-type game bird slaughter plants and meat-type waterfowl slaughter plants that slaughter fewer than 50,000 birds annually are exempt from the special provisions of this subpart.

(c) Egg-type game bird and egg-type waterfowl premises with fewer than 25,000 birds are exempt from the special provisions of this subpart.

■ 36. Section 146.53 is amended as follows:

■ a. In the introductory text, by adding the words ''slaughter plants and'' after the word ''Participating'' and removing the words ''of this part'';

■ b. By revising paragraph (a) introductory text;

■ c. In paragraph (a)(1), by removing the words ''commercial upland'' and adding the word ''meat-type'' in their place and removing the word ''commercial'' and adding the word ''meat-type'' in its place;

■ d. By revising paragraph (a)(2);

■ e. In paragraph (a)(3), by removing the words ''commercial upland'' and adding the word ''meat-type'' in their place and removing the word ''commercial'' and adding the word ''meat-type'' in its place;

■ f. In paragraph (a)(4), by removing the words ''a commercial upland'' and adding the words ''an egg-type'' in their place and adding the word ''egg-type'' after the words ''game bird or''.

■ g. In paragraph (a)(5), by removing the words ''a commercial upland'' and adding the words ''an egg-type'' in their place and adding the word ''egg-type'' after the words ''game bird or''.

■ h. By removing and reserving paragraph (b).

The revisions read as follows:

§ 146.53 Terminology and classification; slaughter plants and premises.

* * * * *

(a) *U.S. H5/H7 Avian Influenza Monitored.* The program in this paragraph (a) is intended to be the basis from which the egg/meat-type game bird and egg/meat-type waterfowl industry may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza in egg/meat-type game birds and egg/meat-type waterfowl through routine surveillance of each participating slaughter plant or, in the case of egg-producing flocks, the regular surveillance of these flocks. A slaughter plant or flock will qualify for the classification in this paragraph (a) when the Official State Agency determines that it has met one of the following requirements:

* * * * *

(2) It is a meat-type game bird slaughter plant or meat-type waterfowl slaughter plant that only accepts egg/meat-type game birds or egg/meat-type waterfowl from flocks where a minimum of 11 birds per flock have been tested negative for the H5/H7 subtypes of avian influenza, as provided

in § 146.13(b), no more than 21 days prior to slaughter;

* * * * *

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

■ 37. The authority citation for part 147 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 38. Section 147.45 is revised to read as follows:

§ 147.45 Official delegates.

Each cooperating State shall be entitled to one official delegate for each of the programs prescribed in parts 145 and 146 of this subchapter in which it has one or more participants at the time of the Conference. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended but not required that the official delegates be Plan participants. Individuals may be allowed to be an official delegate or alternate delegate for up to three States in which that delegate has flocks or is a plan participant with acknowledgement and approval of the Official State Agencies. Each official delegate shall endeavor to obtain, prior to the Conference, the recommendations of industry members of their State with respect to each proposed change.

■ 39. Section 147.48 is revised to read as follows:

§ 147.48 Approval of conference recommendations by the Department.

Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the National Poultry Improvement Plan (NPIP) in parts 56, 145, and 146 of this chapter and this subpart. The Department reserves the right to approve or disapprove the recommendations of the conference as an integral part of its sponsorship of the National Poultry Improvement Plan. The Department will publish the recommendations in the **Federal Register** within 14 months following the NPIP Biennial Conference.

■ 40. In § 147.52, paragraph (b) is revised to read as follows:

§ 147.52 Authorized laboratories.

* * * * *

(b) *Trained technicians.* Testing procedures at all authorized laboratories must be run or overseen by a laboratory technician who every 4 years has attended, and satisfactorily completed, Service-approved laboratory workshops for Plan-specific diseases.

* * * * *

Done in Washington, DC, this 25th day of September 2020.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2020–21798 Filed 10–1–20; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0627; Airspace Docket No. 19–ANM–29]

RIN 2120–AA66

Establishment of Class E Airspace; Granby, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Granby-Grand County, CO.

DATES: Effective 0901 UTC, December 31, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov//air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Granby-Grand County Airport, Granby, CO, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 43508; July 17, 2020) for Docket No. FAA–2020–0627 to establish Class E airspace at Granby-Grand County Airport, Granby, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace, extending upward from 700 feet above the surface, at Granby-Grand County Airport. This airspace area is described as follows: That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 2.2 miles north and 1.6 miles south of

the 110° bearing from the airport, extending from the 3.5-mile radius to 4.7 miles east of the airport, and within 2.1 miles north and 2.4 miles south of the 276° bearing from the airport, extending from the 3.5-mile radius to 4.3 miles west of the Granby-Grand County Airport.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM CO E5 Granby, CO [New]

Granby-Grand County Airport, CO
(Lat. 40°05′24″ N, long. 105°55′00″ W)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 2.2° miles north and 1.6 miles south of the 110°bearing from the airport, extending from the 3.5-mile radius to 4.7 miles east of the airport, and within 2.1 miles north and 2.4 miles south of the 276° bearing from the airport, extending from the 3.5-mile radius to 4.3 miles west of the Granby-Grand County Airport.

Issued in Seattle, Washington, on September 28, 2020.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–21888 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0606; Airspace Docket No. 19–ANM–100]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Yakima, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Yakima Air Terminal/McAllister Field Airport. This action also modifies Class E airspace, designated as a surface area. Additionally, this action removes Class E airspace, designated as an extension to a Class D or Class E surface area. Further, this action modifies Class E airspace, extending upward from 700 feet above the surface, and removes the Class E airspace extending upward from 1,200 feet above the surface. This action removes the Yakima VOR from the Class E5 airspace legal description. Lastly, this action implements administrative corrections to the airspaces' legal descriptions

DATES: Effective 0901 UTC, February 25, 2021. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov//air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class D and Class E airspace at Yakima Air Terminal/McAllister Field Airport, Yakima, WA, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 40140; July 6, 2020) for Docket No. FAA–2020–0606 to modify Class D and Class E airspace at Yakima

Air Terminal/McAllister Field Airport, Yakima, WA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Two comments in favor of the proposed changes were received.

Class D, E2, E4, and E5 airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations part 71 modifies Class D airspace at Yakima Air Terminal/McAllister Field Airport. The airspace area is described as follows: That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.2-mile radius of the airport, and within 2.6 miles each side of the 103° bearing from the airport, extending from the 4.2-mile radius to 8.8 miles east of the airport, and within 2.3 miles each side of the 289° bearing from the airport, extending from the 4.2-mile radius to 6.9 miles west of Yakima Air Terminal/McAllister Field Airport. This Class D airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

This action also modifies Class E airspace, designated as a surface area, to be coincident with the new Class D dimensions. The airspace area is described as follows: That airspace extending upward from the surface within a 4.2-mile radius of the airport, and within 2.6 miles each side of the 103° bearing from the airport, extending from the 4.2-mile radius to 8.8 miles east of the airport, and within 2.3 miles each side of the 289° bearing from the airport, extending from the 4.2-mile radius to 6.9 miles west of Yakima Air Terminal/McAllister Field Airport. This Class E airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Additionally, this action revokes Class E airspace, designated as an extension to a Class D or Class E surface area. This area is not required based on the instrument procedures published for the airport.

Further, this action modifies Class E airspace extending upward from 700 feet above the surface. This airspace area is described as follows: That airspace extending upward from 700 feet above the surface within a 4.2-mile radius of the airport, and within 3.4 miles each side of the 107° bearing from the airport, extending from the 4.2-mile radius to 11.3 miles east of the airport, and within 3.6 miles each side of the 290° bearing from the airport, extending from the 4.2-mile radius to 11.6 miles west of Yakima Air Terminal/McAllister Field Airport.

This action removes Class E airspace extending upward from 1,200 feet above the surface. This area is wholly contained within Class E en route airspace which overlies the entire Yakima area, duplication is not necessary.

The action removes the Yakima VOR and all references to the VOR from the Class E5 legal description. The navigational aid is not needed to define the airspace. Removal of the navigational aid allows the airspace to be defined from a single reference point, which simplifies how the airspace is described.

Lastly, this action implements administrative corrections to the airspaces' legal descriptions. The airport name on the second line of the text header does not match the FAA database and is updated to ''Yakima Air Terminal/McAllister Field Airport''. The airport's geographic coordinates do not match the FAA database and are updated to ''lat. 46°34′05″ N, long. 120°32′39″ W.'' The last sentence in the Class D and Class E surface airspace area's legal descriptions contain outdated verbiage, the term ''Airport/Facility Directory'' is updated to'' Chart Supplement''.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANM WA D Yakima, WA [Amended]

Yakima Air Terminal/McAllister Field Airport, WA

(Lat. 46°34′05″ N, long. 120°32′39″ W)

That airspace extending upward from the surface to and including 3,600 feet MSL within a 4.2-mile radius of the airport, and within 2.6 miles each side of the 103° bearing from the airport, extending from the 4.2-mile radius to 8.8 miles east of the airport, and within 2.3 miles each side of the 289° bearing from the airport, extending from the 4.2-mile radius to 6.9 miles west of Yakima Air Terminal/McAllister Field Airport. This Class D airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM WA E2 Yakima, WA [Amended]

Yakima Air Terminal/McAllister Field Airport, WA
(Lat. 46°34′05″ N, long. 120°32′39″ W)

That airspace extending upward from the surface within a 4.2-mile radius of the airport, and within 2.6 miles each side of the 103° bearing from the airport, extending from the 4.2-mile radius to 8.8 miles east of the airport, and within 2.3 miles each side of the 289° bearing from the airport, extending from the 4.2-mile radius to 6.9 miles west of Yakima Air Terminal/McAllister Field Airport. This Class E airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM WA E4 Yakima, WA [Revoked]

Yakima Air Terminal/McAllister Field Airport
(Lat. 46°34′05.4″ N, long. 120°32′39″ W)

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM WA E5 Yakima, WA [Amended]

Yakima Air Terminal/McAllister Field Airport
(Lat. 46°34′05″ N, long. 120°32′39″ W)

That airspace extending upward from 700 feet above the surface within a 4.2-mile radius of the airport, and within 3.4 miles each side of the 107° bearing from the airport, extending from the 4.2-mile radius to 11.3 miles east of the airport, and within 3.6 miles each side of the 290° bearing from the airport, extending from the 4.2-mile radius to 11.6 miles west of Yakima Air Terminal/McAllister Field Airport.

Issued in Seattle, Washington, on September 29, 2020.

B.G. Chew,

Acting Group Manager, Western Service Center, Operations Support Group.

[FR Doc. 2020–21905 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0604; Airspace Docket No. 19–ANM–33]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Pendleton, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Eastern Oregon Regional at Pendleton Airport. This action also modifies Class E airspace, designated as a surface area. Additionally, this action establishes Class E airspace, designated as an extension to a Class D or Class E surface area. Further, this action modifies Class E airspace, extending upward from 700 feet above the surface. This action also removes Class E airspace, extending upward from 1,200 feet above the surface. This action also removes the Pendleton VORTAC from the airspace text headers and legal descriptions. Lastly, this action implements administrative corrections to the airspace text headers and legal descriptions.

DATES: Effective 0901 UTC, February 25, 2021. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov//air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class D and Class E airspace at Eastern Oregon Regional at Pendleton Airport, Pendleton, OR, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 40138; July 6, 2020) for Docket No. FAA–2020–0604 to modify Class D and Class E at Eastern Oregon Regional at Pendleton Airport, Pendleton, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class D, E2, E4, and E5 airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas,

air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations part 71 modifies Class D airspace at Eastern Oregon Regional at Pendleton Airport, Pendleton, OR. The airspace area is described as follows: That airspace extending upward from the surface to and including 4,000 feet MSL within a 4.1-mile radius of Eastern Oregon Regional at Pendleton Airport. This Class D airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

This action modifies Class E airspace, designated as a surface area, to be coincident with the new Class D dimensions. The airspace area is described as follows: That airspace extending upward from the surface within a 4.1-mile radius of Eastern Oregon Regional at Pendleton Airport. This Class E airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Additionally, this action establishes Class E airspace, designated as an extension to a Class D or Class E surface area. The airspace area is described as follows: That airspace extending upward from the surface within 1 mile each side of the 129° bearing from the airport, extending from the 4.1-mile radius to 7.3 miles southeast of Eastern Oregon Regional at Pendleton Airport.

Further, this action modifies Class E airspace extending upward from 700 feet above the surface. The airspace area is described as follows: That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the airport, and within 3.5 miles each side of the 090° bearing from the airport extending from the 6.6-mile radius to 14.8 miles east of the airport, and within 3.4 miles each side of the 129° bearing from the airport extending from the 6.6-mile radius to 14.3 miles southeast of the airport, and within 4 miles south and 8 miles north of the 270° bearing from the airport, extending from 4 miles west of the airport to 20 miles west of Eastern Oregon Regional at Pendleton Airport.

This action also removes Class E airspace extending upward from 1,200 feet above the surface. This area is wholly contained within Class E en route airspace which overlies the entire Pendleton area, duplication is not necessary.

The action removes the Pendleton VORTAC and all references to the VORTAC from the Class D, E2, and E5 text headers and legal descriptions.

Lastly, this action implements administrative corrections to the airspace legal descriptions. The airport name on the second line of the text header does not match the FAA database and is updated to ''Eastern Oregon Regional at Pendleton Airport''. The airport's geographic coordinates do not match the FAA database and are updated to ''lat. 45°41′41″ N, long. 118°50′35″ W'' The last sentence in the Class D and Class E surface area legal descriptions contain the term ''Airport/Facilities Directory'' the term is updated to ''Chart Supplement''.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANM OR D Pendleton, OR [Amended]

Eastern Oregon Regional at Pendleton Airport, OR
(Lat. 45°41′41″ N, long. 118°50′35″ W)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 4.1-mile radius of Eastern Oregon Regional at Pendleton Airport. This surface area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ANM OR E2 Pendleton, OR [Amended]

Eastern Oregon Regional at Pendleton Airport, OR
(Lat. 45°41′41″ N, long. 118°50′35″ W)

That airspace extending upward from the surface within a 4.1-mile radius of Eastern Oregon Regional at Pendleton Airport. This surface area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.

* * * * *

ANM OR E4 Pendleton, OR [New]

Eastern Oregon Regional at Pendleton Airport, OR
(Lat. 45°41′41″ N, long. 118°50′35″ W)

That airspace extending upward from the surface within 1 mile each side of the 129° bearing from the airport, extending from the 4.1-mile radius to 7.3 miles southeast of Eastern Oregon Regional at Pendleton Airport.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Pendleton, OR [Amended]

Eastern Oregon Regional at Pendleton Airport, OR
(Lat. 45°41′41″ N, long. 118°50′35″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the airport, and within 3.5 miles each side of the 090° bearing from the airport extending from the 6.6-mile radius to 14.8 miles east of the airport, and within 3.4 miles each side of the 129° bearing from the airport extending from the 6.6-mile radius to 14.3 miles southeast of the airport, and within 4 miles south and 8 miles north of the 270° bearing from the airport, extending from 4 miles west of the airport to 20 miles west of Eastern Oregon Regional at Pendleton Airport.

Issued in Seattle, Washington, on September 18, 2020.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–21861 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0626; Airspace Docket No. 20–ANM–23]

RIN 2120–AA66

Amendment of Class E Airspace; Leadville, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Lake County Airport. This action also updates the airport's geographic coordinates.

DATES: Effective 0901 UTC, December 31, 2020. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov//air_traffic/publications/*. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class E airspace at Lake County Airport, Leadville, CO, to ensure the safety and management of Instrument Flight Rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 43511; July 17, 2020) for Docket No. FAA–2020–0626, to modify Class E airspace at Lake County Airport, Leadville, CO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations part 71 modifies Class E airspace, extending upward from 700 feet above the surface, at Lake County Airport. This airspace area is described as follows: That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 3 miles each side of the 164° bearing from the airport, extending from the 3.5-mile radius to 14.5 miles south of the airport, and within 2.7 miles each side of the 350° bearing from the airport, extending from the 3.5-mile radius to 14.7 miles north of Lake County Airport.

This action also updates the airport's geographic coordinates to ''Lat. 39°13′10″ N, long. 106°18′59″ W.''

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM CO E5 Leadville, CO [Amended]

Lake County Airport, CO
(Lat. 39°13′10″ N, long. 106°18′59″ W)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of the airport, and within 3 miles each side of the 164° bearing from the airport, extending from the 3.5-mile radius to 14.5 miles south of the airport, and within 2.7 miles each side of the 350° bearing from the airport, extending from the 3.5-mile radius to 14.7 miles north of Lake County Airport.

Issued in Seattle, Washington, on September 28, 2020.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–21884 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0605; Airspace Docket No. 19–ANM–34]

RIN 2120–AA66

Establishment of Class E Airspace; Hermiston, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface to support instrument flight rules (IFR) operations at Hermiston Municipal Airport. This action ensures the safety and management of IFR operations at the airport.

DATES: Effective 0901 UTC, February 25, 2021. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov//air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Hermiston Municipal Airport, Hermiston, OR, to ensure the safety and management of IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (85 FR 40142; July 6, 2020) for Docket No. FAA–2020–0605 to establish Class E airspace at Hermiston Municipal Airport, Hermiston, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E5 airspace designations are published in paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations part 71 establishes Class E airspace, extending upward from 700 feet above the surface, at Hermiston Municipal Airport. This area will contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. This airspace area is described as follows: That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Hermiston Municipal Airport.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it

is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM OR E5 Hermiston, OR [New]

Hermiston Municipal Airport, OR
(Lat. 45°49′42″ N, long. 119°15′33″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Hermiston Municipal Airport.

Issued in Seattle, Washington, on September 18, 2020.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–21873 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31332 Amdt. No. 3923]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 5, 2020. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 5, 2020.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC, 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 97:

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC on September 18, 2020.

Wade Terrell,

Aviation Safety Manager, Flight Procedures & Airspace Group Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 5 November 2020

Koyuk, AK, Koyuk Alfred Adams, Takeoff Minimums and Obstacle DP, Amdt 1A
Durango, CO, KDRO, RNAV (GPS) RWY 21, Orig-A
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 6, Amdt 1, CANCELLED
Waterloo, IA, Waterloo Rgnl, RNAV (GPS) RWY 24, Amdt 1, CANCELLED
Waterloo, IA, Waterloo Rgnl, VOR RWY 6, Amdt 4, CANCELLED
Waterloo, IA, Waterloo Rgnl, VOR RWY 24, Amdt 16D, CANCELLED
Chicago, IL, Chicago Midway Intl, ILS OR LOC RWY 4R, Amdt 2
Chicago, IL, KMDW, RNAV (RNP) X RWY 22L, Amdt 1
Chicago, IL, Chicago Midway Intl, RNAV (RNP) Y RWY 31C, Amdt 1
Chicago, IL, Chicago O'Hare Intl, ILS OR LOC RWY 22L, ILS RWY 22L (SA CAT I), ILS RWY 22L (SA CAT II), Amdt 7
Chicago, IL, Chicago O'Hare Intl, ILS OR LOC RWY 27L, ILS RWY 27L (SA CAT I), ILS RWY 27L (CAT II), ILS RWY 27L (CAT III), Amdt 32
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) RWY 9L, Amdt 4
Chicago, IL, Chicago O'Hare Intl, RNAV (GPS) RWY 27R, Amdt 4
Chicago, IL, Chicago O'Hare Intl, Takeoff Minimums and Obstacle DP, Amdt 22
Asheville, NC, KAVL, ILS OR LOC RWY 35, Orig, CANCELLED
Asheville, NC, KAVL, RNAV (GPS) RWY 17, Orig, CANCELLED
Asheville, NC, KAVL, RNAV (GPS) RWY 35, Orig, CANCELLED
West Chester, PA, KOQN, VOR-A, Amdt 4B
Charleston, SC, Charleston AFB/Intl, RNAV (GPS) Y RWY 3, Amdt 3
Charleston, SC, Charleston AFB/Intl, RNAV (GPS) Y RWY 15, Amdt 4
Charleston, SC, Charleston AFB/Intl, RNAV (GPS) Y RWY 21, Amdt 3
Charleston, SC, Charleston AFB/Intl, RNAV (GPS) Y RWY 33, Amdt 4
Charleston, SC, Charleston AFB/Intl, RNAV (RNP) Z RWY 3, Amdt 1
Charleston, SC, Charleston AFB/Intl, RNAV (RNP) Z RWY 33, Amdt 1
El Paso, TX, El Paso Intl, ILS OR LOC RWY 22, Amdt 32E
El Paso, TX, El Paso Intl, RNAV (GPS) Y RWY 22, Orig-F
El Paso, TX, El Paso Intl, RNAV (RNP) Z RWY 22, Amdt 1B
Lone Rock, WI, Tri-County Rgnl, RNAV (GPS) RWY 9, Orig-B
Lone Rock, WI, Tri-County Rgnl, RNAV (GPS) RWY 27, Orig-B
Lone Rock, WI, Tri-County Rgnl, VOR-A, Amdt 7A, CANCELLED

[FR Doc. 2020–21853 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31333; Amdt. No. 3924]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective October 5, 2020. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director

of the Federal Register as of October 5, 2020.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC, 20590–0001;
2. The FAA Air Traffic Organization Service Area in which the affected airport is located;
3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg. 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary.

This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979) ; and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on September 18, 2020.

Wade Terrell,

Aviation Safety Manager, Flight Procedures & Airspace Group Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
5–Nov–20	ME	Dexter	Dexter Rgnl	0/0280	9/11/20	RNAV (GPS) RWY 16, Orig-A.
5–Nov–20	ME	Augusta	Augusta State	0/0283	9/11/20	RNAV (GPS) RWY 17, Orig-B.
5–Nov–20	ME	Pittsfield	Pittsfield Muni	0/0287	9/11/20	RNAV (GPS) RWY 18, Amdt 1.
5–Nov–20	ME	Carrabassett	Sugarloaf Rgnl	0/0290	9/11/20	RNAV (GPS)-A, Orig.
5–Nov–20	ME	Waterville	Waterville Robert Lafleur	0/0397	9/11/20	RNAV (GPS) RWY 5, Amdt 1B.
5–Nov–20	MN	Baudette	Baudette Intl	0/1148	9/14/20	ILS OR LOC RWY 30, Amdt 1.
5–Nov–20	TN	Waverly	Humphreys County	0/2076	8/27/20	RNAV (GPS) RWY 21, Orig-B.
5–Nov–20	SD	Gregory	Gregory Muni-Flynn Fld	0/2088	8/31/20	RNAV (GPS) RWY 13, Orig-C.
5–Nov–20	KS	Wellington	Wellington Muni	0/2158	8/31/20	RNAV (GPS) RWY 36, Amdt 2.
5–Nov–20	KS	Wellington	Wellington Muni	0/2159	8/31/20	RNAV (GPS) RWY 18, Amdt 2.
5–Nov–20	MD	College Park	College Park	0/3476	8/26/20	RNAV (GPS)-B, Orig.
5–Nov–20	NE	Grant	Grant Muni	0/3498	8/31/20	NDB RWY 33, Amdt 3B.
5–Nov–20	NE	Grant	Grant Muni	0/3499	8/31/20	RNAV (GPS) RWY 15, Amdt 1.
5–Nov–20	NE	Grant	Grant Muni	0/3500	8/31/20	RNAV (GPS) RWY 33, Amdt 1.
5–Nov–20	NE	Grant	Grant Muni	0/3501	8/31/20	VOR/DME RWY 15, Amdt 2A.
5–Nov–20	KS	Wichita	Wichita Dwight D Eisenhower National.	0/4060	9/4/20	NDB RWY 1R, Amdt 15C.
5–Nov–20	KS	Wichita	Wichita Dwight D Eisenhower National.	0/4061	9/4/20	RNAV (GPS) RWY 32, Amdt 1A.
5–Nov–20	KS	Wichita	Wichita Dwight D Eisenhower National.	0/4062	9/4/20	RNAV (GPS) Y RWY 1L, Amdt 1C.
5–Nov–20	KS	Wichita	Wichita Dwight D Eisenhower National.	0/4063	9/4/20	RNAV (GPS) Y RWY 14, Amdt 2A.
5–Nov–20	KS	Wichita	Wichita Dwight D Eisenhower National.	0/4066	9/4/20	RNAV (GPS) Y RWY 19R, Amdt 1B.
5–Nov–20	KS	Wichita	Wichita Dwight D Eisenhower National.	0/4067	9/4/20	VOR RWY 14, Amdt 1F.
5–Nov–20	CA	Willits	Ells Field-Willits Muni	0/4086	9/8/20	RNAV (GPS) RWY 16, Amdt 1B.
5–Nov–20	AZ	Marana	Marana Rgnl	0/4375	9/8/20	RNAV (GPS)-E, Orig-A.
5–Nov–20	AZ	Lake Havasu City	Lake Havasu City	0/4421	9/8/20	RNAV (GPS) RWY 14, Orig-A.
5–Nov–20	PA	Philipsburg	Mid-State	0/4425	9/8/20	VOR RWY 24, Amdt 16C.
5–Nov–20	AK	Minchumina	Minchumina	0/4473	9/4/20	NDB RWY 3, Amdt 3D.
5–Nov–20	AK	Minchumina	Minchumina	0/4474	9/4/20	RNAV (GPS) RWY 21, Orig-C.
5–Nov–20	IN	Griffith	Griffith-Merrillville	0/4518	9/8/20	RNAV (GPS) RWY 8, Orig-A.
5–Nov–20	IN	Griffith	Griffith-Merrillville	0/4519	9/8/20	RNAV (GPS) RWY 26, Orig-A.
5–Nov–20	IN	Greensburg	Greensburg Municipal	0/4529	9/8/20	RNAV (GPS) RWY 36, Orig-B.
5–Nov–20	IN	Greensburg	Greensburg Municipal	0/4530	9/8/20	VOR-A, Amdt 2D.
5–Nov–20	OH	Bowling Green	Wood County	0/4534	9/8/20	RNAV (GPS) RWY 18, Orig-C.
5–Nov–20	OH	Bowling Green	Wood County	0/4535	9/8/20	RNAV (GPS) RWY 36, Orig-C.
5–Nov–20	HI	Kailua/Kona	Ellison Onizuka Kona Intl At Keahole.	0/4646	8/27/20	ILS OR LOC RWY 17, Amdt 2B.
5–Nov–20	HI	Kailua/Kona	Ellison Onizuka Kona Intl At Keahole.	0/4647	8/27/20	LOC BC RWY 35, Amdt 10B.
5–Nov–20	HI	Kailua/Kona	Ellison Onizuka Kona Intl At Keahole.	0/4648	8/27/20	RNAV (GPS) Y RWY 17, Amdt 1C.
5–Nov–20	HI	Kailua/Kona	Ellison Onizuka Kona Intl At Keahole.	0/4649	8/27/20	VOR OR TACAN RWY 17, Orig-C.
5–Nov–20	HI	Kailua/Kona	Ellison Onizuka Kona Intl At Keahole.	0/4650	8/27/20	VOR OR TACAN RWY 35, Orig-C.
5–Nov–20	PA	Towanda	Bradford County	0/5161	9/8/20	RNAV (GPS) RWY 23, Orig-A.
5–Nov–20	PA	Towanda	Bradford County	0/5162	9/8/20	RNAV (GPS)-A, Orig.
5–Nov–20	CA	Mariposa	Mariposa-Yosemite	0/5180	9/10/20	RNAV (GPS)-A, Orig-A.
5–Nov–20	CA	Mariposa	Mariposa-Yosemite	0/5181	9/10/20	RNAV (GPS)-B, Orig-A.
5–Nov–20	VA	Richlands	Tazewell County	0/5198	9/8/20	LOC/DME RWY 25, Amdt 1B.
5–Nov–20	VA	Richlands	Tazewell County	0/5199	9/8/20	RNAV (GPS) RWY 7, Orig-B.
5–Nov–20	VA	Richlands	Tazewell County	0/5200	9/8/20	RNAV (GPS) RWY 25, Amdt 1A.
5–Nov–20	CA	Camarillo	Camarillo	0/5201	8/28/20	VOR RWY 26, Amdt 5A.
5–Nov–20	LA	Minden	Minden	0/5206	9/1/20	VOR/DME-A, Amdt 5.
5–Nov–20	MN	Albert Lea	Albert Lea Muni	0/5604	8/31/20	VOR RWY 17, Amdt 1B.
5–Nov–20	MS	Grenada	Grenada Muni	0/5634	9/1/20	RNAV (GPS) RWY 4, Amdt 1C.
5–Nov–20	MS	Grenada	Grenada Muni	0/5636	9/1/20	RNAV (GPS) RWY 13, Amdt 1B.
5–Nov–20	MS	Grenada	Grenada Muni	0/5638	9/1/20	RNAV (GPS) RWY 22, Amdt 1C.
5–Nov–20	MS	Grenada	Grenada Muni	0/5643	9/1/20	RNAV (GPS) RWY 31, Amdt 1B.
5–Nov–20	FL	Orlando	Executive	0/5764	8/26/20	ILS OR LOC RWY 7, Amdt 24A.
5–Nov–20	FL	Orlando	Executive	0/5765	8/26/20	ILS OR LOC RWY 25, Amdt 1A.
5–Nov–20	FL	Orlando	Executive	0/5766	8/26/20	RNAV (GPS) RWY 7, Amdt 2B.
5–Nov–20	FL	Orlando	Executive	0/5767	8/26/20	RNAV (GPS) RWY 25, Amdt 3A.
5–Nov–20	DE	Dover/Cheswold	Delaware Airpark	0/5840	8/26/20	RNAV (GPS) RWY 9, Orig A.
5–Nov–20	DE	Dover/Cheswold	Delaware Airpark	0/5841	8/26/20	RNAV (GPS) RWY 27, Orig-A.
5–Nov–20	DE	Dover/Cheswold	Delaware Airpark	0/5842	8/26/20	VOR RWY 27, Orig-B.
5–Nov–20	CO	Alamosa	San Luis Valley Rgnl/Bergman Field.	0/6391	8/28/20	Takeoff Minimums and Obstacle DP, Amdt 4B.
5–Nov–20	AK	St Mary's	St Mary's	0/6454	8/28/20	LOC/DME RWY 17, Amdt 5C.
5–Nov–20	AK	St Mary's	St Mary's	0/6455	8/28/20	RNAV (GPS) RWY 17, Amdt 3B.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
5–Nov–20	AK	St Mary's	St Mary's	0/6456	8/28/20	RNAV (GPS) RWY 35, Amdt 2D.
5–Nov–20	MN	Princeton	Princeton Muni	0/6742	9/8/20	RNAV (GPS) RWY 33, Orig-B.
5–Nov–20	MN	Princeton	Princeton Muni	0/6743	9/8/20	RNAV (GPS) RWY 15, Orig-C.
5–Nov–20	AK	Willow	Willow	0/7081	8/26/20	RNAV (GPS) RWY 13, Orig.
5–Nov–20	AK	Willow	Willow	0/7082	8/26/20	RNAV (GPS) RWY 31, Orig.
5–Nov–20	NE	Columbus	Columbus Muni	0/7087	8/31/20	RNAV (GPS) RWY 14, Orig-C.
5–Nov–20	NE	Columbus	Columbus Muni	0/7088	8/31/20	RNAV (GPS) RWY 32, Orig-B.
5–Nov–20	NE	Columbus	Columbus Muni	0/7089	8/31/20	LOC/DME RWY 14, Amdt 8C.
5–Nov–20	NE	Columbus	Columbus Muni	0/7090	8/31/20	VOR RWY 14, Amdt 14D.
5–Nov–20	NE	Columbus	Columbus Muni	0/7091	8/31/20	VOR RWY 32, Amdt 14C.
5–Nov–20	HI	Kapolei	Kalaeloa (John Rodgers Field)	0/7363	8/28/20	VOR/DME RWY 4R, Amdt 1.
5–Nov–20	WI	Eau Claire	Chippewa Valley Rgnl	0/7631	9/1/20	ILS OR LOC RWY 22, Amdt 10.
5–Nov–20	KS	Ottawa	Ottawa Muni	0/8061	8/31/20	RNAV (GPS) RWY 17, Amdt 2.
5–Nov–20	KS	Ottawa	Ottawa Muni	0/8065	8/31/20	RNAV (GPS) RWY 35, Amdt 2.
5–Nov–20	MA	Stow	Minute Man Air Field	0/8772	9/1/20	RNAV (GPS) RWY 21, Orig-B.
5–Nov–20	PR	San Juan	Luis Munoz Marin Intl	0/9029	9/9/20	RNAV (GPS) RWY 8, Amdt 1.
5–Nov–20	PR	San Juan	Luis Munoz Marin Intl	0/9030	9/9/20	RNAV (GPS) RWY 10, Amdt 2A.
5–Nov–20	HI	Kaunakakai	Molokai	0/9339	8/28/20	VOR OR TACAN-A, Amdt 17.
5–Nov–20	OH	Toledo	Eugene F Kranz Toledo Express.	0/9591	9/9/20	ILS Z OR LOC Z RWY 25, Amdt 9.
5–Nov–20	OH	Toledo	Eugene F Kranz Toledo Express.	0/9592	9/9/20	RNAV (GPS) RWY 16, Orig-A.
5–Nov–20	OH	Toledo	Eugene F Kranz Toledo Express.	0/9593	9/9/20	RNAV (GPS) RWY 25, Amdt 2C.
5–Nov–20	OH	Toledo	Eugene F Kranz Toledo Express.	0/9594	9/9/20	RNAV (GPS) RWY 34, Orig-C.
5–Nov–20	OH	Toledo	Eugene F Kranz Toledo Express.	0/9595	9/9/20	RNAV (GPS) RWY 7, Amdt 1C.
5–Nov–20	OH	Toledo	Eugene F Kranz Toledo Express.	0/9596	9/9/20	Takeoff Minimums and Obstacle DP, Amdt 3.
5–Nov–20	MN	Minneapolis	Anoka County-Blaine (Janes Field).	0/9618	9/14/20	ILS OR LOC RWY 27, Orig-C.
5–Nov–20	MN	Minneapolis	Anoka County-Blaine (Janes Field).	0/9631	9/14/20	RNAV (GPS) RWY 27, Orig-D.
5–Nov–20	TX	Gilmer	Fox Stephens Field-Gilmer Muni.	0/9669	9/14/20	RNAV (GPS) RWY 36, Orig-A.
5–Nov–20	TX	Gilmer	Fox Stephens Field-Gilmer Muni.	0/9673	9/14/20	RNAV (GPS) RWY 18, Orig-A.
5–Nov–20	TN	Sparta	Upper Cumberland Rgnl	0/9685	9/9/20	NDB RWY 4, Amdt 4B.
5–Nov–20	MN	Little Falls	Little Falls/Morrison County-Lindbergh Fld.	0/9906	9/1/20	NDB RWY 31, Amdt 6D.
5–Nov–20	MN	Little Falls	Little Falls/Morrison County-Lindbergh Fld.	0/9907	9/1/20	RNAV (GPS) RWY 31, Orig-B.
5–Nov–20	WI	Rice Lake	Rice Lake Rgnl-Carl's Field	0/9994	9/11/20	RNAV (GPS) RWY 19, Amdt 3.

[FR Doc. 2020–21854 Filed 10–2–20; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 772, and 774

[Docket No. 200807–0209]

RIN 0694–AI03

Implementation of Certain New Controls on Emerging Technologies Agreed at Wassenaar Arrangement 2019 Plenary

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) maintains, as part of its Export Administration Regulations (EAR), the Commerce Control List (CCL), which identifies certain items subject to Department of Commerce jurisdiction. This final rule revises the CCL, as well as corresponding parts of the EAR, to implement certain changes made to the Wassenaar Arrangement List of Dual-Use Goods and Technologies (WA List) maintained and agreed to by governments participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (Wassenaar Arrangement, or WA) at the December 2019 WA Plenary meeting. The Wassenaar Arrangement advocates implementation of effective export controls on strategic items with the objective of improving regional and international security and stability. This final rule implements multilateral controls on six recently developed or developing technologies, which were identified by the WA December 2019 WA Plenary Meeting in a manner contemplated by the Export Control Reform Act of 2018 (ECRA) to identify emerging technologies that are essential to U.S. national security. This rule harmonizes the CCL with the WA December 2019 Plenary Meeting agreements that pertain to these six technologies. The inclusion of the six technologies in this final rule is consistent with the requirements of ECRA and the decision of the WA to add such technologies to its control lists, thereby making exports of such technologies subject to multilateral control. As these six technologies are recently developed or developing technologies that are essential to the national security of the United States, early implementation of the applicable WA December 2019 Plenary agreements is warranted. The remaining WA 2019 Plenary agreements will be implemented in a separate rule.

DATES: This rule is effective October 5, 2020.

FOR FURTHER INFORMATION CONTACT: For general questions, contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at 202–482–2440 or by email: *Sharron.Cook@bis.doc.gov.*

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Category 9x515 (Satellites): Michael Tu 202–482–6462 or *Michael.Tu@bis.doc.gov*

SUPPLEMENTARY INFORMATION:

Background

The Wassenaar Arrangement (Wassenaar or WA) (*http://www.wassenaar.org/*) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies is a group of 42 like-minded states committed to promoting responsibility and transparency in the global arms trade and preventing destabilizing accumulations of arms. As a Participating State, the United States has committed to controlling for export all items on the WA control lists. These lists were first established in 1996 and have been revised annually thereafter. Proposals for changes to the WA control lists that achieve consensus are approved by Participating States at annual plenary meetings. Participating States are charged with implementing the agreed-upon list changes as soon as possible after approval. The United States' implementation of WA list changes ensures that U.S. companies have a level playing field with their competitors in other WA Participating States. This final rule implements multilateral controls on six recently developed or developing technologies, which were identified by the WA December 2019 WA Plenary Meeting in a manner contemplated by the ECRA to identify emerging technologies that are essential to U.S. national security. This rule harmonizes the CCL with the agreements reached by the WA during the WA December 2019 Plenary Meeting. The inclusion of the six technologies in this final rule is consistent with the requirements of ECRA and the decision of the WA to add the technologies to its control lists, thereby making exports of such technologies subject to multilateral control (following implementation by the United States and other WA participating countries).

To implement the WA control list changes, this rule adds to the EAR's CCL the following six recently developed or developing technologies that are essential to the national security of the United States: Hybrid additive manufacturing (AM)/computer numerically controlled (CNC) tools; computational lithography software designed for the fabrication of extreme ultraviolet (EUV) masks; technology for finishing wafers for 5nm production; digital forensics tools that circumvent authentication or authorization controls on a computer (or communications device) and extract raw data; software for monitoring and analysis of communications and metadata acquired from a telecommunications service provider via a handover interface; and sub-orbital craft.

This rule also makes a correction to one ECCN and revises three related ECCNs and one License Exception.

Certain Revisions to the Commerce Control List Related to WA 2019 Plenary Agreements

Revises five (5) ECCNs: 2B001, 3D003, 5E001, 5A004, 9A004

Revises three (4) related ECCNs: 5D002, 5E002, 9A012, 9A515

Corrects one (1) ECCN: 5D001

License Exception eligibility revisions: ENC

Adds (1) ECCN: 3E004

Category 2—Materials Processing

2B001 Machine Tools

Note 4 is added at the beginning of the Items paragraph to advise the public that ''A machine tool having an additive manufacturing capability in addition to a turning, milling or grinding capability must be evaluated against each applicable entry 2B001.a, .b or .c,'' to ensure consistency in application of controls for these hybrid machine tools. Over the last several years, machine tools manufacturers have been adding more functionality by integrating multiple capabilities in their machines. Lately, manufacturers have integrated additive manufacturing and 5-axis computer numerically controlled (CNC) machines. As technology advances, future hybrid machines that also have multi-axis CNC capability will remain controlled in ECCN 2B001 even if it has the added additive manufacturing capability.

Additive Manufacturing machines classified under ECCN 2B001 require a license to countries that have an ''X'' under columns NS column 2, NP column 1, or AT column 1. License Exception STA, as well as any applicable transaction-based license exceptions, are available if all of the criteria for the license exception are met and none of the restrictions in § 740.2 apply.

Category 3—Electronics

3D003 'Computational Lithography' ''Software'' ''Specially Designed'' for the ''Development'' of Patterns on EUV-Lithography Masks or Reticles

The Heading of 3D003 is revised to update controls on emerging Electronic Design Automation (EDA) or computational lithography software developed for Extreme Ultraviolet (EUV) masks. Extreme Ultraviolet Lithography (EUVL) introduces a number of issues that must be accurately modeled and corrected on the mask or reticle to produce optimized patterns in resist. Several key issues where specific software is needed for EUVL include mask three-dimensional (3D) effects, mask-shadowing effects, direction of illumination effects, long range flare effects, proximity effects, stochastic effects in resist, and source-masks optimization. Compensation of these effects using software modeling to optimize the patterns on the EUV mask reticle is required for making optimized photoresist patterns on wafers. This software has a license requirement for national security (NS) reasons at the NS column 1 level and for anti-terrorism (AT) reasons at the AT column 1 level. License Exceptions TSR and STA, as well as any applicable transaction-based license exceptions, are available if all of the criteria for the license exception are met and none of the restrictions in § 740.2 apply.

In addition, the two paragraphs in the Related Definitions paragraph are replaced by a definition for 'computational lithography.'

3E004 ''Technology'' ''Required'' for the Slicing, Grinding and Polishing of 300 mm Diameter Silicon Wafers To Achieve a 'Site Front Least sQuares Range' ('SFQR') Less Than or Equal to 20 nm at Any Site of 26 mm x 8 mm on the Front Surface of the Wafer and an Edge Exclusion Less Than or Equal to 2 mm

This rule adds ECCN 3E004 to control ''technology'' for the production of substrates for high-end integrated circuits. The parameters include minimization of the flatness and the

surface defect. Flatness is referred to as SFQR (Site (Flatness) Front least sQuares Range) and surface defect is referred to as LLS (Localized Light Scatter). Though both of these parameters are known to represent wafer specifications, WA determined that the SFQR is the dominant parameter to capture the precision of wafer. ''SFQR is equal to or less than 20nm'' is an appropriate parameter to control the minimum guaranteed quality for the production of high-end integrated circuits designed for feature size of 5 nm or less taking into account the yield rate for integrated circuit production. This technology will have a license requirement for national security (NS) reasons at the NS column 1 level and for anti-terrorism (AT) reasons at the AT column 1 level. License Exceptions TSR and STA, as well as any applicable transaction-based license exceptions, are available if all of the criteria for the license exception are met and none of the restrictions in § 740.2 apply.

Category 5—Part 1—Telecommunications

5D001 ''Software''

This rule makes a correction by removing 5D001.b from the Special Conditions for STA, because 5D001.b was removed from the 5D001 entry in 2014 and reserved at that time.

This rule adds Item paragraph 5D001.e to control specified surveillance ''software,'' other than that specified by 5D001.a or 5D001.c, ''specially designed'' or modified for monitoring or analysis by law enforcement, including a Technical Note that defines 'handover interface' and specifies some international standards examples. This new entry controls software that is specially designed for use by law enforcement to analyze the content of communications acquired from a handover interface. Such software can be used by international actors in ways that are contrary to U.S. national security. To be controlled, the software must meet both parameters in subparagraphs 5D001.e.1 and e.2, specifically, it must provide the ability to execute searches on the basis of ''hard selectors'' of either the content of communication or metadata acquired from a communications service provider using a 'handover interface' and it must provide the ability to map the relational network or track the movement of targeted individuals based on such searches. This new entry does not control network management tools or banking software and therefore includes an exclusion note for ''software'' ''specially designed'' or modified for any of the following: Billing purposes, Network Quality of Service (QoS), Quality of Experience (QoE), mediation devices, or mobile payment or banking use. Mediation devices for lawful intercept by the communication service provider may be controlled in 5A980 or 5D980 and are not included in this entry. A definition of ''hard selectors'' is added to § 772.1 (Definitions) of the EAR. This software has a license requirement for NS column 1, and AT column 1. This software and its corresponding technology are added to the eligibility paragraph for License Exception TSR, limited to Country Group A:5 as specified in the TSR paragraph of the List Based License Exceptions section of ECCNs 5D001 and 5E001. This software and technology are also eligible for License Exception STA.

5E001 ''Technology''

This rule adds 5D001.e surveillance software to 5E001.a to control ''technology'' according to the General Technology Note for the ''development'', ''production'' or ''use'' (excluding operation) of ''software'' controlled by 5D001.e. This technology has a license requirement for NS column 1 and AT column 1. This technology is added to the eligibility paragraph for License Exception TSR, as specified in the TSR paragraph of the List Based License Exceptions section of ECCN 5E001. This technology is also eligible for License Exception STA.

Category 5—Part 2—''Information Security''

5A004 ''Systems,'' ''Equipment'' and ''Components'' for Defeating, Weakening or Bypassing ''Information Security''

This rule adds paragraph 5A004.b to control digital forensics or investigative tools. This new entry controls items that circumvent authentication or authorization mechanisms and extract raw data from a computer or communications device. Although once used primarily by law enforcement, these items are increasingly being used by the military to extract time-critical information from devices found on the battlefield. The purpose of the text is to control items that can quickly analyze a device and recover protected information, *i.e.,* to capture products which allow the recovery of protected information by breaking, manipulating, exploiting, and/or bypassing security measures which the manufacturer has installed on a device. The text is not intended to capture items that extract data that is completely unprotected on a device; nor is it intended to capture production or test equipment, system administrator tools, or tools that are used for retail purposes such as unlocking mobile phones. In addition, the phrase ''extract raw data'' clarifies that items that are limited to extracting simple user data, such as contact lists, videos, and photos (for example to transfer personal information between mobile phone handsets), would not be controlled.

5A004.b requires a license to countries that have an ''X'' under columns NS column 1 or AT column 1. An encryption item (EI) license requirement also applies. See § 742.15 of the EAR. License Exception LVS and ENC are available as specified in the List Based License Exceptions of 5A004 and the applicable license exception criteria in part 740 so long as none of the restrictions set forth in § 740.2 apply.

§ 740.17 License Exception Encryption Commodities, Software and Technology (ENC)

This rule also makes changes to License Exception ENC consistent with the addition of 5A004.b. The first sentence in the introductory paragraph to § 740.17 is revised by adding ''and digital forensics items (investigative tools)'' to the list of items authorized by License Exception ENC. Paragraphs 1 and 3 of the Note to paragraph (b)(2) introductory text are amended by adding ''classified in ECCN 5A004.a, 5D002.a.3.a or c.3.a, or 5E002'' to clarify what is meant by ''cryptanalytic items.'' Paragraph (b)(2)(ii) is changed by replacing the reference to ''5A004 or 5D002'' with a reference to ''5A004.a, 5D002.a.3.a or 5D002.c.3.a'' where the paragraph mentions ''cryptanalytic items.'' Paragraph (b)(3)(iii)(B) is revised by removing ''including network or computer forensics'' from the title and replacing it with ''and investigative tools''; and revising the text of the paragraph to point to ECCN 5A004.b for specific characteristics of digital forensics items (investigative tools) subject to the thirty-day (30-day) classification request requirement.

5D002 ''Software''

This rule amends 5D002 by revising Item paragraphs 5D002.a.3 and c.3, which are the associated software controls for 5A004 items, to add software controls for 5A004.b digital forensics or investigative tools. This rule also adds an exclusion note to 5D002.c.3.b to exclude ''intrusion software.'' This rule adds to § 772.1 the definition of ''intrusion software'' from the agreements reached at the 2013 WA

Plenary. 5D002 requires a license to countries that have an ''X'' under columns NS column 1 or AT column 1. An encryption item (EI) license requirement also applies. See § 742.15 of the EAR. License Exception ENC is available as specified in the List Based License Exceptions of 5D002 and the applicable license exception criteria in part 740 so long as none of the restrictions set forth in § 740.2 apply.

5E002 ''Technology''

This rule adds an exclusion note to Item paragraph 5E002.a to exclude ''technology'' for items specified by 5A004.b, 5D002.a.3.b or 5D002.c.3.b. The techniques that are used to circumvent authentication and authorization and extract raw data are well known and therefore do not warrant additional controls. In addition, information on these techniques is often exchanged as part of cyber incident response and vulnerability analysis activities and therefore controlling such information could adversely impact those activities.

Category 9—Aerospace and Propulsion

9A004 Space Launch Vehicles and ''Spacecraft'', ''Spacecraft Buses'', ''Spacecraft Payloads'', ''Spacecraft'' On-Board Systems or Equipment, and Terrestrial Equipment

This rule adds ''sub-orbital craft'' to Item paragraph 9A004.h and the definition for ''sub-orbital craft'' to § 772.1 of the EAR. A sub-orbital craft is designed to operate above the stratosphere and land on Earth without completing an orbit. Therefore, it does not meet the definition of ''spacecraft'', which is limited to satellites and space probes. Certain types of sub-orbital craft could already be considered to be controlled under 9A004 as space launch vehicles. However, an overall space launch system may consist of several stages, one of which may be a re-usable spaceplane. This item would generally not be considered a space launch vehicle. While this rule adds 9A004.h for consistency with the Wassenaar List of Dual-Use Goods, the ''sub-orbital craft'' described by 9A004.h falls within the scope of 9A515.a and is controlled by that entry if subject to the EAR. It should be noted that ITAR Category XV(a)(11) captures certain sub-orbital craft.

9A515 ''Spacecraft'' and Related Commodities

''Sub-orbital craft'' warrant the same STA eligibility as ''spacecraft'' described in 9A515.a.1, a.2, a.3 and a.4. Therefore, this rule revises the Special Conditions for STA by adding ''sub-orbital craft'' to paragraph (1). This means that STA may not be used for ''sub-orbital craft'' unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for certain 9x515 and ''600 series'' items). Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 9A515. Note that 9A515 is eligible for License Exception Limited Value Shipment (LVS) at $1500.

This rule also amends paragraph 9A515.a to add ''sub-orbital craft,'' because BIS lists ''spacecraft'' and related commodities in 9A515 of the CCL to more easily implement appropriate license requirements and exceptions. ''Sub-orbital craft'' under ECCN 9A515.a require a license to countries that have an ''X'' under columns NS column 1, RS column 1, or AT column 1, which means a license is required for all destinations other than Canada.

For added clarity, this rule adds ''sub-orbital craft'' to the Note to 9A515.a, which explains what is included in 9A515.a.

§ 740.20 License Exception Strategic Trade Authorization (STA)

This rule amends paragraph (g) ''License Exception STA eligibility requests for 9x515 and ''600 series'' items''. This revision will clarify that ''sub-orbital craft'', ''spacecraft'' described in ECCNs 9A515.a.1, .a.2, .a.3, .a.4, and remote sensing components ''specially designed'' for these ''spacecraft'' described in 9A515.g, require prior approval before using License Exception STA.

9A012 Non-Military ''Unmanned Aerial Vehicles,'' (''UAVs''), Unmanned ''Airships'', Related Equipment and ''Components''

This rule enumerates each sentence in the Related Controls paragraph and adds a third sentence that explains that in classifying ''UAVs'' that are ''sub-orbital craft'' exporters should look at 9A004.h and 9A515.a.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018 (ECRA), 50 U.S.C. Sections 4801–4852. ECRA provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Saving Clause

Shipments of items removed from license exception eligibility or eligibility for export, reexport or transfer (in-country) without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on October 5, 2020, pursuant to actual orders for exports, reexports and transfers (in-country) to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported, reexported or transferred (in-country) before December 4, 2020. Any such items not actually exported, reexported or transferred (in-country) before midnight, local time, on December 4, 2020, require a license in accordance with this final rule.

Executive Order Requirements

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This rule has been designated a ''significant regulatory action'' under Executive Order 12866. The Wassenaar Arrangement (WA) was established in order to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations. The goal was also to prevent the acquisition of such items by terrorists. There are presently 42 Participating States, including the United States, which seek through their national policies to ensure that transfers of these items do not contribute to the development or enhancement of military capabilities that undermine these goals, and to ensure that these items are not diverted to support such military capabilities. Implementation of the WA Plenary agreements in a timely manner enhances the national security of the United States and global international trade.

This rule does not contain policies with Federalism implications as that

term is defined under Executive Order 13132.

This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a national security function of the United States.

Paperwork Reduction Act Requirements

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

This rule involves the following OMB-approved collections of information subject to the PRA: 0694–0088, ''Multi-Purpose Application'', which carries a burden hour estimate of 29.6 minutes for a manual or electronic submission; 0694–0137 ''License Exceptions and Exclusions'', which carries a burden hour estimate average of 1.5 hours per electronic submission (Note: Submissions for License Exceptions are rarely required); 0694–0096 ''Five Year Records Retention Period'', which carries a burden hour estimate of less than 1 minute; and 0607–0152 ''Automated Export System (AES) Program'', which carries a burden hour estimate of 3 minutes per electronic submission. Specific license application submission estimates are discussed further in the preamble of this rule where the revision is explained. BIS estimates that revisions that are editorial, including moving the location of control text on the Commerce Control List, or that clarify language, will result in no change in license application submissions.

Any comments regarding these collections of information, including suggestions for reducing the burden, may be sent to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

Administrative Procedure Act and Regulatory Flexibility Act Requirements

Pursuant to § 4821 of ECRA, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Accordingly, no regulatory flexibility analysis is required, and none has been prepared.

List of Subjects

15 CFR Part 740

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 772

Exports

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 740, 772, and 774 of the Export Administration Regulations (15 CFR parts 730 through 774) are amended as follows:

PART 740—LICENSE EXCEPTIONS

■ 1. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 7201 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 2. Section 740.17 is amended by:
■ a. Revising the first sentence of the introductory text;
■ b. Revising paragraphs 1 and 3 of the Note to paragraph (b)(2) introductory text;
■ c. Revising paragraphs (b)(2)(ii) and (b)(2)(iv)(B); and
■ d. Revising paragraph (b)(3)(iii)(B).

The revised text is set forth below.

§ 740.17 Encryption commodities, software and technology (ENC).

License Exception ENC authorizes export, reexport, and transfer (in-country) of systems, equipment, commodities, and components therefor that are classified under ECCN 5A002, 5B002, equivalent or related software and technology therefor classified under 5D002 or 5E002, and ''cryptanalytic items'' and digital forensics items (investigative tools) classified under ECCN 5A004, 5D002 or 5E002. * * *

* * * * *

(b) * * *

(2) * * *

Note to paragraph (b)(2) introductory text: * * *

1. All submitted encryption items described in this paragraph (b)(2), except ''cryptanalytic items,'' classified in ECCN 5A004.a, 5D002.a.3.a or c.3.a, or 5E002, to any end user located or headquartered in a country listed in supplement no. 3 to this part;

* * * * *

3. ''Cryptanalytic items,'' classified in ECCN 5A004.a, 5D002.a.3.a or c.3.a, or 5E002, to non-''government end users,'' only, located or headquartered in a country listed in supplement no. 3 to this part; and

* * * * *

(ii) *Cryptanalytic commodities and software.* ''Cryptanalytic items'' classified in ECCN 5A004.a, 5D002.a.3.a, or 5D002.c.3.a, to non-''government end users'' located or headquartered in countries not listed in supplement no. 3 to this part.

* * * * *

(iv) * * *

(B) *Other technology.* Encryption technology classified under ECCN 5E002 except technology for ''cryptanalytic items'' classified in ECCN 5A004.a, 5D002.a.3.a or 5D002.c.3.a, ''non-standard cryptography'' or any ''open cryptographic interface,'' to any non-''government end user'' located in a country not listed in Country Group D:1, E:1, or E:2 of supplement no. 1 to part 740 of the EAR.

* * * * *

(3) * * *

(iii) * * *

(B) *Digital forensics and investigative tools.* Items specified in ECCN 5A004.b, 5D002.a.3.b, or 5D002.c.3.b, see supplement no. 1 to part 774 Commerce Control List.

* * * * *

■ 3. Section 740.20 is amended by revising paragraph (g)(1) to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

* * * * *

(g) * * * (1) *Applicability.* Any person may request License Exception STA eligibility for end items described in ECCN 0A606.a, ECCN 8A609.a, ECCNs 8A620.a or .b, ''spacecraft'' in ECCNs 9A515.a.1, .a.2, .a.3, or .a.4, ''sub-orbital craft,'' or items in 9A515.g, 9A610.a, or technology ECCNs 9E515.b, .d, .e, or .f.

* * * * *

PART 772—DEFINITIONS OF TERMS

■ 4. The authority citation for part 772 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 5. Section 772.1 is amended by:
■ a. Adding the definition of ''hard selectors'' in alphabetical order;
■ b. Adding the definition of ''intrusion software'' in alphabetical order, with notes 1 and 2 to the definition of ''intrusion software'', and technical notes 1 and 2 to the definition of ''intrusion software''; and
■ c. Adding the definition of ''sub-orbital craft'' in alphabetical order.

The additions read as follows:

§ 772.1 Definitions of Terms As Used In the Export Administration Regulations (EAR).

* * * * *

Hard selectors. (Cat 5P1) Data or set of data, related to an individual (*e.g.,* family name, given name, email, street address, phone number or group affiliations).

* * * * *

Intrusion software. (5P2) ''Software'' specially designed or modified to avoid detection by 'monitoring tools', or to defeat 'protective countermeasures', of a computer or network-capable device, and performing any of the following:

(1) The extraction of data or information, from a computer or network-capable device, or the modification of system or user data; or

(2) The modification of the standard execution path of a program or process in order to allow the execution of externally provided instructions.

Note 1 to ''Intrusion software'' definition: ''Intrusion software'' does not include any of the following: Hypervisors, debuggers or Software Reverse Engineering (SRE) tools; Digital Rights Management (DRM) ''software''; or ''Software'' designed to be installed by manufacturers, administrators or users, for the purposes of asset tracking or recovery.

Note 2 to ''Intrusion software'' definition: Network-capable devices include mobile devices and smart meters.

Technical note 1 to ''Intrusion software'' definition: 'Monitoring tools': ''software'' or hardware devices, that monitor system behaviors or processes running on a device. This includes antivirus (AV) products, end point security products, Personal Security Products (PSP), Intrusion Detection Systems (IDS), Intrusion Prevention Systems (IPS) or firewalls.

Technical note 2 to ''Intrusion software'' definition: 'Protective countermeasures': techniques designed to ensure the safe execution of code, such as Data Execution Prevention (DEP), Address Space Layout Randomization (ASLR) or sandboxing.

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''*Sub-orbital craft*''. (Cat 9) A craft having an enclosure designed for the transport of people or cargo, which is designed to:

(1) Operate above the stratosphere;

(2) Perform a non-orbital trajectory; *and*

(3) Land back on Earth with the people or cargo intact.

* * * * *

PART 774—THE COMMERCE CONTROL LIST

■ 6. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.;* 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 7. In supplement no. 1 to part 774:
■ a. Revise ECCN 2B001 under Category 2—Materials Processing, section B. ''Test'', ''Inspection'' and ''Production Equipment'';
■ b. Revise ECCN 3D003 under Category 3—Electronics, section D. ''Software'';
■ c. Add ECCN 3E004 after 3E003 under Category 3—Electronics, section E. ''Technology'';
■ d. Revise ECCN 5D001 under Category 5—Telecommunications and ''Information Security'', Part 1—Telecommunications, section D. ''Software'';
■ e. Revise ECCN 5E001 under Category 5—Telecommunications and ''Information Security'', Part 1—Telecommunications, section E. ''Technology'';
■ f. Revise ECCN 5A004 under Category 5—Telecommunications and ''Information Security'', Part 2—''Information Security'', section A. ''End Items,'' ''Equipment,'' ''Accessories,'' ''Attachments,'' ''Parts,'' ''Components,'' and ''Systems'', subsection III. DEFEATING, WEAKENING, OR BYPASSING ''INFORMATION SECURITY'';
■ g. Revise ECCN 5D002 under Category 5—Telecommunications and ''Information Security'', Part 2—''Information Security'', section D. ''Software'';
■ h. Revise ECCN 5E002 under Category 5—Telecommunications and ''Information Security'', Part 2—''Information Security'', section E. ''Technology'';
■ i. Revise ECCN 9A004 under Category 9—Aerospace and Propulsion, section A. ''End Items'', ''Equipment'', ''Accessories'', ''Attachments'', ''Parts'', ''Components'' and ''Systems'';
■ j. Revise ECCN 9A012 under Category 9—Aerospace and Propulsion, section A. ''End Items'', ''Equipment'', ''Accessories'', ''Attachments'', ''Parts'', ''Components'' and ''Systems''; and
■ k. Revise ECCN 9A515 under Category 9—Aerospace and Propulsion, section A. ''End Items'', ''Equipment'', ''Accessories'', ''Attachments'', ''Parts'', ''Components'' and ''Systems''.

The revisions and additions read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

Category 2—Materials Processing

* * * * *

B. ''Test'', ''Inspection'' and ''Production Equipment''

* * * * *

2B001 Machine tools and any combination thereof, for removing (or cutting) metals, ceramics or ''composites'', which, according to the manufacturer's technical specifications, can be equipped with electronic devices for ''numerical control''; as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, NP, AT

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 2.
NP applies to 2B001.a, .b, .c, and .d, EXCEPT:	NP Column 1.

Control(s)	Country chart (See Supp. No. 1 to part 738)
(1) turning machines under 2B001.a with a capacity no greater than 35 mm diameter; (2) bar machines (Swissturn), limited to machining only bar feed through, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. (Machines may have drilling and/or milling capabilities for machining ''parts'' or ''components'' with diameters less than 42 mm); or (3) milling machines under 2B001.b with x-axis travel greater than two meters and overall positioning accuracy according to ISO 230/2 (2006) on the x-axis more (worse) than 22.5 μm.	
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A
GBS: N/A

List of Items Controlled

Related Controls: (1) See ECCN 2B002 for optical finishing machines. (2) See ECCNs 2D001 and 2D002 for software for items controlled under this entry. (3) See ECCNs 2E001 (''development''), 2E002 (''production''), and 2E201 (''use'') for technology for items controlled under this entry. (4) Also see ECCNs 2B201 and 2B991.
Related Definitions: N/A
Items:

Note 1: 2B001 does not control special purpose machine tools limited to the manufacture of gears. For such machines, see 2B003.

Note 2: 2B001 does not control special purpose machine tools limited to the manufacture of any of the following:

a. Crank shafts or cam shafts;
b. Tools or cutters;
c. Extruder worms;
d. Engraved or faceted jewelry parts; or
e. Dental prostheses.

Note 3: A machine tool having at least two of the three turning, milling or grinding capabilities (e.g., a turning machine with milling capability), must be evaluated against each applicable entry 2B001.a, .b or .c.

Note 4: A machine tool having an additive manufacturing capability in addition to a turning, milling or grinding capability must be evaluated against each applicable entry 2B001.a, .b or .c.

a. Machine tools for turning having two or more axes which can be coordinated simultaneously for ''contouring control'' having any of the following:
a.1. ''Unidirectional positioning repeatability'' equal to or less (better) than 0.9 μm along one or more linear axis with a travel length less than 1.0 m; *or*
a.2. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 μm along one or more linear axis with a travel length equal to or greater than 1.0 m;

Note 1: 2B001.a does not control turning machines ''specially designed'' for producing contact lenses, having all of the following:

a. Machine controller limited to using ophthalmic based ''software'' for part programming data input; *and*
b. No vacuum chucking.

Note 2: 2B001.a does not apply to bar machines (Swissturn), limited to machining only bar feed thru, if maximum bar diameter is equal to or less than 42 mm and there is no capability of mounting chucks. Machines may have drilling or milling capabilities for machining parts with diameters less than 42 mm.

b. Machine tools for milling having any of the following:
b.1. Three linear axes plus one rotary axis which can be coordinated simultaneously for ''contouring control'' having any of the following:
b.1.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 0.9 μm along one or more linear axis with a travel length less than 1.0 m; *or*
b.1.b. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 μm along one or more linear axis with a travel length equal to or greater than 1.0 m;
b.2. Five or more axes which can be coordinated simultaneously for ''contouring control'' having any of the following:
b.2.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 0.9 μm along one or more linear axis with a travel length less than 1.0 m;
b.2.b. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.4 μm along one or more linear axis with a travel length equal to or greater than 1 m and less than 4 m; *or*
b.2.c. ''Unidirectional positioning repeatability'' equal to or less (better) than 6.0 μm along one or more linear axis with a travel length equal to or greater than 4 m;
b.3. A ''unidirectional positioning repeatability'' for jig boring machines, equal to or less (better) than 1.1 μm along one or more linear axis; *or*
b.4. Fly cutting machines having all of the following:
b.4.a. Spindle ''run-out'' and ''camming'' less (better) than 0.0004 mm TIR; *and*
b.4.b. Angular deviation of slide movement (yaw, pitch and roll) less (better) than 2 seconds of arc, TIR, over 300 mm of travel;
c. Machine tools for grinding having any of the following:
c.1. Having all of the following:
c.1.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 μm along one or more linear axis; *and*
c.1.b. Three or four axes which can be coordinated simultaneously for ''contouring control''; *or*
c.2. Five or more axes which can be coordinated simultaneously for ''contouring control'' having any of the following:
c.2.a. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.1 μm along one or more linear axis with a travel length less than 1m;
c.2.b. ''Unidirectional positioning repeatability'' equal to or less (better) than 1.4 μm along one or more linear axis with a travel length equal to or greater than 1 m and less than 4 m; *or*
c.2.c. ''Unidirectional positioning repeatability'' equal to or less (better) than 6.0 μm along one or more linear axis with a travel length equal to or greater than 4 m.

Notes: 2B001.c does not control grinding machines as follows:

a. Cylindrical external, internal, and external-internal grinding machines, having all of the following:
a.1. Limited to cylindrical grinding; and
a.2. Limited to a maximum workpiece capacity of 150 mm outside diameter or length.
b. Machines designed specifically as jig grinders that do not have a z-axis or a w-axis, with a ''unidirectional positioning repeatability'' less (better) than 1.1 μm.
c. Surface grinders.
d. Electrical discharge machines (EDM) of the non-wire type which have two or more rotary axes which can be coordinated simultaneously for ''contouring control'';
e. Machine tools for removing metals, ceramics or ''composites'', having all of the following:
e.1. Removing material by means of any of the following:
e.1.a. Water or other liquid jets, including those employing abrasive additives;
e.1.b. Electron beam; or
e.1.c. ''Laser'' beam; and
e.2. At least two rotary axes having all of the following:
e.2.a. Can be coordinated simultaneously for ''contouring control''; *and*
e.2.b. A positioning ''accuracy'' of less (better) than 0.003°;
f. Deep-hole-drilling machines and turning machines modified for deep-hole-drilling, having a maximum depth-of-bore capability exceeding 5m.

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Category 3—Electronics

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D. ''Software''

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3D003 Computational lithography' ''software'' ''specially designed'' for the ''development'' of patterns on EUV-lithography masks or reticles.

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 1.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: Yes

List of Items Controlled

Related Controls: N/A

Related Definitions: 'Computational lithography' is the use of computer modelling to predict, correct, optimize and verify imaging performance of the lithography process over a range of patterns, processes, and system conditions.

Items:

The list of items controlled is contained in the ECCN heading.

* * * * *

E. ''Technology''

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3E004 ''Technology'' ''required'' for the slicing, grinding and polishing of 300 mm diameter silicon wafers to achieve a 'Site Front least sQuares Range' ('SFQR') less than or equal to 20 nm at any site of 26 mm x 8 mm on the front surface of the wafer and an edge exclusion less than or equal to 2 mm.

License Requirements

Reason for Control: NS, AT

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 1.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: Yes

List of Items Controlled

Related Controls: N/A

Related Definitions: For the purpose of 3E004, 'Site Front least sQuares Range' ('SFQR') is the range of maximum deviation and minimum deviation from front reference plane, calculated by least square method with all front surface data including site boundary within a site.

Items:

The list of items controlled is contained in the ECCN heading.

* * * * *

Category 5—Telecommunications and ''Information Security''

Part 1—Telecommunications

* * * * *

D. ''Software''

5D001 ''Software'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SL, AT

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 1.
SL applies to the entire entry as applicable for equipment, functions, features, or characteristics controlled by 5A001.f.1.	A license is required for all destinations, as specified in § 742.13 of the EAR. Accordingly, a column specific to this control does not appear on the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR). *Note to SL paragraph: This licensing requirement does not supersede, implement, construe or limit the scope of any criminal statute, including, but not limited to, the Omnibus Safe Streets Act of 1968, as amended.*
AT applies to entire entry	AT Column 1.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: Yes, except for exports and reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of the following:

(1) ''Software'' controlled by 5D001.a and ''specially designed'' for items controlled by 5A001.b.5 and 5A001.h. or

(2) ''Software'' controlled by 5D001.e.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit 5D001.a ''software'' ''specially designed'' for the ''development'' or ''production'' of equipment, functions or features, specified by ECCN 5A001.b.3, .b.5 or .h. for ''software'' ''specially designed'' or modified to support ''technology'' specified by the STA paragraph in the License Exception section of ECCN 5E001 to any of the destinations listed in Country Group A:6 (See Supplement No. 1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See also 5D980 and 5D991.

Related Definitions: N/A

Items:

a. ''Software'' ''specially designed'' or modified for the ''development'', ''production'' or ''use'' of equipment, functions or features controlled by 5A001;

b. [Reserved]

c. Specific ''software'' ''specially designed'' or modified to provide characteristics, functions or features of equipment, controlled by 5A001 or 5B001;

d. ''Software'' ''specially designed'' or modified for the ''development'' of any of the following telecommunication transmission or switching equipment:

d.1. [Reserved]

d.2. Equipment employing a ''laser'' and having any of the following:

d.2.a. A transmission wavelength exceeding 1,750 nm; *or*

d.2.b. Employing analog techniques and having a bandwidth exceeding 2.5 GHz; *or*

Note: *5D001.d.2.b does not control ''software'' ''specially designed'' or modified for the ''development'' of commercial TV systems.*

d.3. [Reserved]

d.4. Radio equipment employing Quadrature-Amplitude-Modulation (QAM) techniques above level 1,024;

e. ''Software'', other than that specified by 5D001.a or 5D001.c, ''specially designed'' or modified for monitoring or analysis by law enforcement, providing all of the following:

e.1. Execution of searches on the basis of ''hard selectors'' of either the content of communication or metadata acquired from a communications service provider using a 'handover interface'; *and*

Technical Notes:

1. For the purposes of 5D001.e, a 'handover interface' is a physical and logical interface, designed for use by an authorised law enforcement authority, across which targeted interception measures are requested from a communications service provider and the results of interception are delivered from a communications service provider to the requesting authority. The 'handover interface'' is implemented within systems or equipment (e.g., mediation devices) that receive and validate the interception request, and deliver to the requesting authority only the results of interception that fulfil the validated request.

2. *'Handover interfaces' may be specified by international standards (including but not limited to ETSI TS 101 331, ETSI TS 101 671, 3GPP TS 33.108) or national equivalents.*

e.2. Mapping of the relational network or tracking the movement of targeted individuals based on the results of searches on content of communication or metadata or searches as described in 5D001.e.1.

Note: *5D001.e does not apply to ''software'' ''specially designed'' or modified for any of the following:*

a. Billing purposes;

b. Network Quality of Service (QoS);

c. Quality of Experience (QoE);

d. Mediation devices; or

e. Mobile payment or banking use.

* * * * *

E. ''Technology''

5E001 ''Technology'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, SL, AT

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 1.
SL applies to ''technology'' for the ''development'' or ''production'' of equipment, functions or features controlled by 5A001.f.1, or for the ''development'' or ''production'' of ''software'' controlled by ECCN 5D001.a (for 5A001.f.1).	A license is required for all destinations, as specified in § 742.13 of the EAR. Accordingly, a column specific to this control does not appear on the Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR). *Note to SL paragraph: This licensing requirement does not supersede, implement, construe or limit the scope of any criminal statute, including, but not limited to, the Omnibus Safe Streets Act of 1968, as amended.*
AT applies to entire entry	AT Column 1.

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: Yes, except for exports or reexports to destinations outside of those countries listed in Country Group A:5 (See Supplement No. 1 to part 740 of the EAR) of ''technology'' controlled by 5E001.a for the ''development'' or ''production'' of the following:

(1) Items controlled by 5A001.b.5 or 5A001.h;

(2) ''Software'' controlled by 5D001.a that is ''specially designed'' for the ''development'' or ''production'' of equipment, functions or features controlled by 5A001.b.5 or 5A001.h.; or

(3) ''Software'' controlled by 5D001.e.

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit ''technology'' according to the General Technology Note for the ''development'' or ''production'' of equipment, functions or features specified by 5A001.b.3, .b.5 or .h; or for ''software'' in 5D001.a that is specified in the STA paragraph in the License Exception section of ECCN 5D001 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: (1) See also 5E101, 5E980 and 5E991. (2) ''Technology'' for ''development'' or ''production'' of ''Monolithic Microwave Integrated Circuit'' (''MMIC'') amplifiers that meet the control criteria given at 3A001.b.2 is controlled in 3E001; 5E001.d refers only to that additional ''technology'' ''required'' for telecommunications.

Related Definitions: N/A

Items:

a. ''Technology'' according to the General Technology Note for the ''development'', ''production'' or ''use'' (excluding operation) of equipment, functions or features, controlled by 5A001 or ''software'' controlled by 5D001.a or 5D001.e.

b. Specific ''technology'', as follows:

b.1. ''Technology'' ''required'' for the ''development'' or ''production'' of telecommunications equipment ''specially designed'' to be used on board satellites;

b.2. ''Technology'' for the ''development'' or ''use'' of ''laser'' communication techniques with the capability of automatically acquiring and tracking signals and maintaining communications through exoatmosphere or sub-surface (water) media;

b.3. ''Technology'' for the ''development'' of digital cellular radio base station receiving equipment whose reception capabilities that allow multi-band, multi-channel, multi-mode, multi-coding algorithm or multi-protocol operation can be modified by changes in ''software'';

b.4. ''Technology'' for the ''development'' of ''spread spectrum'' techniques, including ''frequency hopping'' techniques.

Note: *5E001.b.4 does not apply to ''technology'' for the ''development'' of any of the following:*

a. Civil cellular radio-communications systems; or

b. Fixed or mobile satellite Earth stations for commercial civil telecommunications.

c. ''Technology'' according the General Technology Note for the ''development'' or ''production'' of any of the following:

c.1. [Reserved]

c.2. Equipment employing a ''laser'' and having any of the following:

c.2.a. A transmission wavelength exceeding 1,750 nm;

c.2.b. [Reserved]

c.2.c. [Reserved]

c.2.d. Employing wavelength division multiplexing techniques of optical carriers at less than 100 GHz spacing; *or*

c.2.e. Employing analog techniques and having a bandwidth exceeding 2.5 GHz;

Note: *5E001.c.2.e does not control ''technology'' for commercial TV systems.*

N.B.: *For ''technology'' for the ''development'' or ''production'' of non-telecommunications equipment employing a ''laser'', see Product Group E of Category 6, e.g., 6E00x.*

c.3. Equipment employing ''optical switching'' and having a switching time less than 1 ms; *or*

c.4. Radio equipment having any of the following:

c.4.a. Quadrature-Amplitude-Modulation (QAM) techniques above level 1,024; *or*

c.4.b. Operating at input or output frequencies exceeding 31.8 GHz; *or*

Note: *5E001.c.4.b does not control ''technology'' for equipment designed or modified for operation in any frequency band which is ''allocated by the ITU'' for radio-*

communications services, but not for radio-determination.

c.4.c. Operating in the 1.5 MHz to 87.5 MHz band and incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal; *or*

c.5. [Reserved]

c.6. Mobile equipment having all of the following:

c.6.a. Operating at an optical wavelength greater than or equal to 200nm and less than or equal to 400nm; *and*

c.6.b. Operating as a ''local area network'';

d. ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of ''Monolithic Microwave Integrated Circuit'' (''MMIC'') amplifiers ''specially designed'' for telecommunications and that are any of the following:

Technical Note: *For purposes of 5E001.d, the parameter peak saturated power output may also be referred to on product data sheets as output power, saturated power output, maximum power output, peak power output, or peak envelope power output.*

d.1. Rated for operation at frequencies exceeding 2.7 GHz up to and including 6.8 GHz with a ''fractional bandwidth'' greater than 15%, and having any of the following:

d.1.a. A peak saturated power output greater than 75 W (48.75 dBm) at any frequency exceeding 2.7 GHz up to and including 2.9 GHz;

d.1.b. A peak saturated power output greater than 55 W (47.4 dBm) at any frequency exceeding 2.9 GHz up to and including 3.2 GHz;

d.1.c. A peak saturated power output greater than 40 W (46 dBm) at any frequency exceeding 3.2 GHz up to and including 3.7 GHz; *or*

d.1.d. A peak saturated power output greater than 20 W (43 dBm) at any frequency exceeding 3.7 GHz up to and including 6.8 GHz;

d.2. Rated for operation at frequencies exceeding 6.8 GHz up to and including 16 GHz with a ''fractional bandwidth'' greater than 10%, and having any of the following:

d.2.a. A peak saturated power output greater than 10W (40 dBm) at any frequency exceeding 6.8 GHz up to and including 8.5 GHz; or

d.2.b. A peak saturated power output greater than 5W (37 dBm) at any frequency exceeding 8.5 GHz up to and including 16 GHz;

d.3. Rated for operation with a peak saturated power output greater than 3 W (34.77 dBm) at any frequency exceeding 16 GHz up to and including 31.8 GHz, and with a ''fractional bandwidth'' of greater than 10%;

d.4. Rated for operation with a peak saturated power output greater than 0.1 nW (−70 dBm) at any frequency exceeding 31.8 GHz up to and including 37 GHz;

d.5. Rated for operation with a peak saturated power output greater than 1 W (30 dBm) at any frequency exceeding 37 GHz up to and including 43.5 GHz, and with a ''fractional bandwidth'' of greater than 10%;

d.6. Rated for operation with a peak saturated power output greater than 31.62 mW (15 dBm) at any frequency exceeding 43.5 GHz up to and including 75 GHz, and with a ''fractional bandwidth'' of greater than 10%;

d.7. Rated for operation with a peak saturated power output greater than 10 mW (10 dBm) at any frequency exceeding 75 GHz up to and including 90 GHz, and with a ''fractional bandwidth'' of greater than 5%; or

d.8. Rated for operation with a peak saturated power output greater than 0.1 nW (−70 dBm) at any frequency exceeding 90 GHz;

e. ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of electronic devices and circuits, ''specially designed'' for telecommunications and containing ''components'' manufactured from ''superconductive'' materials, ''specially designed'' for operation at temperatures below the ''critical temperature'' of at least one of the ''superconductive'' constituents and having any of the following:

e.1. Current switching for digital circuits using ''superconductive'' gates with a product of delay time per gate (in seconds) and power dissipation per gate (in watts) of less than 10^{-14} J; *or*

e.2. Frequency selection at all frequencies using resonant circuits with Q-values exceeding 10,000.

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Part 2—''Information Security''

* * * * *

A. ''End Items,'' ''Equipment,'' ''Accessories,'' ''Attachments,'' ''Parts,'' ''Components,'' and ''Systems''

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III. Defeating, Weakening, or Bypassing ''Information Security''

5A004 ''Systems,'' ''equipment'' and ''components'' for defeating, weakening or bypassing ''information security,'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 1.
AT applies to entire entry	AT Column 1.
EI applies to entire entry	Refer to § 742.15 of the EAR.

License Requirements Note: *See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.*

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: Yes: $500 for ''components.''
N/A for systems and equipment.
GBS: N/A
ENC: Yes for certain EI controlled commodities. See § 740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: ECCN 5A004.a controls ''components'' providing the means or functions necessary for ''information security.'' All such ''components'' are presumptively ''specially designed'' and controlled by 5A004.a.

Related Definitions: N/A

Items:

a. Designed or modified to perform 'cryptanalytic functions.'

Note: *5A004.a includes systems or equipment, designed or modified to perform 'cryptanalytic functions' by means of reverse engineering.*

Technical Note: *'Cryptanalytic functions' are functions designed to defeat cryptographic mechanisms in order to derive confidential variables or sensitive data, including clear text, passwords or cryptographic keys.*

b. Items, not specified by 5A004.a, designed to perform all of the following:

b.1. 'Extract raw data' from a computing or communications device; *and*

b.2. Circumvent ''authentication'' or authorisation controls of the device, in order to perform the function described in 5A004.b.1.

Technical Note: *'Extract raw data' from a computing or communications device means to retrieve binary data from a storage medium, e.g., RAM, flash or hard disk, of the device without interpretation by the device's operating system or filesystem.*

Note 1: *5A004.b does not apply to systems or equipment specially designed for the ''development'' or ''production'' of a computing or communications device.*

Note 2: *5A004.b does not include:*

a. Debuggers, hypervisors;

b. Items limited to logical data extraction;

c. Data extraction items using chip-off or JTAG; or

d. Items specially designed and limited to jail-breaking or rooting.

* * * * *

D. ''Software''

5D002 ''Software'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 1.
AT applies to entire entry	AT Column 1.
EI applies to ''software'' in 5D002.a.1, a.3, .b, c.1 and c.3, for commodities or ''software'' controlled for EI reasons in ECCN 5A002, 5A004 or 5D002.	Refer to § 742.15 of the EAR. *Note: Encryption software is controlled because of its functional capacity, and not because of any informational value of such software; such software is not accorded the same treatment under the EAR as other ''software'; and for export licensing purposes, encryption software is treated under the EAR in the same manner as a commodity included in ECCN 5A002.*

License Requirements Note:

See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: N/A

ENC: Yes for certain EI controlled software. See § 740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: After classification or self-classification in accordance with § 740.17(b) of the EAR, mass market encryption software that meets eligibility requirements is released from ''EI'' and ''NS'' controls. This software is designated as 5D992.c.

Related Definitions: 5D002.a controls ''software'' designed or modified to use ''cryptography'' employing digital or analog techniques to ensure ''information security.''

Items:

a. ''Software'' ''specially designed'' or modified for the ''development,'' ''production'' or ''use'' of any of the following:

a.1. Equipment specified by 5A002 or ''software'' specified by 5D002.c.1;

a.2. Equipment specified by 5A003 or ''software'' specified by 5D002.c.2; *or*

a.3. Equipment or ''software'', as follows:

a.3.a. Equipment specified by 5A004.a or ''software'' specified by 5D002.c.3.a;

a.3.b. Equipment specified by 5A004.b or ''software'' specified by 5D002.c.3.b;

b. ''Software'' having the characteristics of a 'cryptographic activation token' specified by 5A002.b;

c. ''Software'' having the characteristics of, or performing or simulating the functions of, any of the following:

c.1. Equipment specified by 5A002.a, .c, .d or .e;

Note: 5D002.c.1 does not apply to ''software'' limited to the tasks of ''OAM'' implementing only published or commercial cryptographic standards.

c.2. Equipment specified by 5A003; *or*

c.3. Equipment, as follows:

c.3.a. Equipment specified by 5A004.a;

c.3.b. Equipment specified by 5A004.b.

Note: 5D002.c.3.b does not apply to ''intrusion software''.

d. [Reserved]

N.B.: See 5D002.b for items formerly specified in 5D002.d.

* * * * *

E. ''Technology''

5E002 ''Technology'' as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
NS applies to entire entry	NS Column 1.
AT applies to entire entry	AT Column 1.
EI applies to ''technology'' in 5E002.a for commodities or ''software'' controlled for EI reasons in ECCNs 5A002, 5A004 or 5D002, and to ''technology'' in 5E002.b.	Refer to § 742.15 of the EAR.

License Requirements Notes:

(1) See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating ''information security'' functionality, and associated ''software'' and ''technology'' for the ''production'' or ''development'' of such microprocessors.

(2) When a person performs or provides technical assistance that incorporates, or otherwise draws upon, ''technology'' that was either obtained in the United States or is of U.S.-origin, then a release of the ''technology'' takes place. Such technical assistance, when rendered with the intent to aid in the ''development'' or ''production'' of encryption commodities or software that would be controlled for ''EI'' reasons under ECCN 5A002, 5A004 or 5D002, may require authorization under the EAR even if the underlying encryption algorithm to be implemented is from the public domain or is not of U.S.-origin.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

TSR: N/A

ENC: Yes for certain EI controlled technology. See § 740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: See also 5E992. This entry does not control ''technology'' ''required'' for the ''use'' of equipment excluded from control under the Related Controls paragraph or the Technical Notes in ECCN 5A002 or ''technology'' related to equipment excluded from control under ECCN 5A002.

Related Definitions: N/A

Items:

a. ''Technology'' according to the General Technology Note for the ''development,'' ''production'' or ''use'' of equipment controlled by 5A002, 5A003, 5A004 or 5B002, or of ''software'' controlled by 5D002.a or 5D002.c.

Note: 5E002.a does not apply to ''technology'' for items specified by 5A004.b, 5D002.a.3.b or 5D002.c.3.b.

b. ''Technology'' having the characteristics of a 'cryptographic activation token' specified by 5A002.b.

Note: 5E002 includes ''information security'' technical data resulting from procedures carried out to evaluate or determine the implementation of functions, features or techniques specified in Category 5-Part 2.

* * * * *

Category 9—Aerospace and Propulsion

A. ''End Items'', ''Equipment'', ''Accessories'', ''Attachments'', ''Parts'', ''Components'' and ''Systems''

* * * * *

9A004 Space launch vehicles and ''spacecraft,'' ''spacecraft buses'', ''spacecraft payloads'', ''spacecraft'' on-board systems or equipment, terrestrial equipment, and air-launch platforms, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS and AT

Control(s)	*Country chart (See supp. no. 1 to part 738)*
NS applies to 9A004.g, .u, .v, .w and .x	NS Column 1.
AT applies to 9A004.g, .u, .v, .w, .x and .y	AT Column 1.

License Requirements Note: 9A004.b through .f, and .h are controlled under ECCN 9A515.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A
GBS: N/A

List of Items Controlled

Related Controls: (1) See also 9A104, 9A515, and 9B515. (2) See ECCNs 9E001 (''development'') and 9E002 (''production'') for technology for items controlled by this entry. (3) See USML Categories IV for the space launch vehicles and XV for other spacecraft that are ''subject to the ITAR'' (see 22 CFR parts 120 through 130).
Related Definition: N/A
Items:

a. Space launch vehicles;
b. ''Spacecraft'';
c. ''Spacecraft buses'';
d. ''Spacecraft payloads'' incorporating items specified by 3A001.b.1.a.4, 3A002.g, 5A001.a.1, 5A001.b.3, 5A002.c, 5A002.e, 6A002.a.1, 6A002.a.2, 6A002.b, 6A002.d, 6A003.b, 6A004.c, 6A004.e, 6A008.d, 6A008.e, 6A008.k, 6A008.l or 9A010.c;
e. On-board systems or equipment, specially designed for ''spacecraft'' and having any of the following functions:
e.1. 'Command and telemetry data handling';

Note: For the purpose of 9A004.e.1, 'command and telemetry data handling' includes bus data management, storage, and processing.

e.2. 'Payload data handling'; *or*

Note: For the purpose of 9A004.e.2, 'payload data handling' includes payload data management, storage, and processing.

e.3. 'Attitude and orbit control';

Note: For the purpose of 9A004.e.3, 'attitude and orbit control' includes sensing and actuation to determine and control the position and orientation of a ''spacecraft''.

N.B.: Equipment specially designed for military use is ''subject to the ITAR''. See 22 CFR parts 120 through 130.

f. Terrestrial equipment specially designed for ''spacecraft'', as follows:
f.1. Telemetry and telecommand equipment ''specially designed'' for any of the following data processing functions:
f.1.a. Telemetry data processing of frame synchronization and error corrections, for monitoring of operational status (also known as health and safe status) of the ''spacecraft bus''; *or*
f.1.b. Command data processing for formatting command data being sent to the ''spacecraft'' to control the ''spacecraft bus'';
f.2. Simulators ''specially designed'' for 'verification of operational procedures' of ''spacecraft''.

Technical Note: For the purposes of 9A004.f.2, 'verification of operational procedures' is any of the following:

1. Command sequence confirmation;
2. Operational training;
3. Operational rehearsals; or
4. Operational analysis.

g. ''Aircraft'' ''specially designed'' or modified to be air-launch platforms for space launch vehicles;
h. ''Sub-orbital craft''.
i. through t. [RESERVED]
u. The James Webb Space Telescope (JWST) being developed, launched, and operated under the supervision of the U.S. National Aeronautics and Space Administration (NASA).
v. ''Parts,'' ''components,'' ''accessories'' and ''attachments'' that are ''specially designed'' for the James Webb Space Telescope and that are *not:*
v.1. Enumerated or controlled in the USML;
v.2. Microelectronic circuits;
v.3. Described in ECCN 7A004 or 7A104; *or*
v.4. Described in an ECCN containing ''space-qualified'' as a control criterion (*See* ECCN 9A515.x.4).
w. The International Space Station being developed, launched, and operated under the supervision of the U.S. National Aeronautics and Space Administration.
x. ''Parts,'' ''components,'' ''accessories'' and ''attachments'' that are ''specially designed'' for the International Space Station.
y. Items that would otherwise be within the scope of ECCN 9A004.v or .x but that have been identified in an interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e) as warranting control in 9A004.y.

* * * * *

9A012 Non-military ''Unmanned Aerial Vehicles,'' (''UAVs''), unmanned ''airships'', related equipment and ''components'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, AT

Control(s)	*Country chart (See supp. no. 1 to part 738)*
NS applies to entire entry	NS Column 1.
MT applies to non-military Unmanned Aerial Vehicles (UAVs) and Remotely Piloted Vehicles (RPVs) that are capable of a maximum range of at least 300 kilometers (km), regardless of payload, and UAVs that meet the requirements of 9A120.	MT Column 1.
AT applies to entire entry	AT Column 1.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A
GBS: N/A

List of Items Controlled

Related Controls: (1) See the U.S. Munitions List Category VIII (22 CFR part 121). (2) Also see ECCN 9A610 and § 744.3 of the EAR. (3) For ''UAVs'' that are ''sub-orbital craft,'' see ECCNs 9A004.h and 9A515.a.
Related Definitions: N/A
Items:

a. ''UAVs'' or unmanned ''airships'', designed to have controlled flight out of the direct 'natural vision' of the 'operator' and having any of the following:
a.1. Having all of the following:
a.1.a. A maximum 'endurance' greater than or equal to 30 minutes but less than 1 hour; and
a.1.b. Designed to take-off and have stable controlled flight in wind gusts equal to or exceeding 46.3 km/h (25 knots); *or*
a.2. A maximum 'endurance' of 1 hour or greater;

Technical Notes:

1. For the purposes of 9A012.a, 'operator' is a person who initiates or commands the ''UAV'' or unmanned ''airship'' flight.

2. For the purposes of 9A012.a, 'endurance' is to be calculated for ISA conditions (ISO 2533:1975) at sea level in zero wind.

3. For the purposes of 9A012.a, 'natural vision' means unaided human sight, with or without corrective lenses.

b. Related equipment and ''components'', as follows:

b.1 [Reserved]

b.2. [Reserved]

b.3. Equipment or ''components'' ''specially designed'' to convert a manned ''aircraft'' or a manned ''airship'' to a ''UAV'' or unmanned ''airship'', controlled by 9A012.a;

b.4. Air breathing reciprocating or rotary internal combustion type engines, ''specially designed'' or modified to propel ''UAVs'' or unmanned ''airships'', at altitudes above 15,240 meters (50,000 feet).

* * * * *

9A515 ''Spacecraft'' and related commodities, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, MT, AT

Control(s)	*Country chart (See supp. no. 1 to part 738)*
NS applies to entire entry, except .e and .y	NS Column 1.
RS applies to entire entry, except .e and .y	RS Column 1.
RS applies to 9A515.e	RS Column 2.
RS applies to 9A515.y, except to Russia for use in, with, or for the International Space Station (ISS), including launch to the ISS.	China, Russia or Venezuela (see § 742.6(a)(7)).
MT applies to microcircuits in 9A515.d and 9A515.e.2 when ''usable in'' ''missiles'' for protecting ''missiles'' against nuclear effects (*e.g.*, Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects). MT also applies to 9A515.h when the total impulse capacity is equal to or greater than 8.41x10∧5 newton seconds.	MT Column 1.
AT applies to entire entry	AT Column 1.

License Requirement Note: *The Commerce Country Chart is not used for determining license requirements for commodities classified in ECCN 9A515.a.1, .a.2., .a.3., .a.4, and .g. See § 742.6(a)(9), which specifies that such commodities are subject to a worldwide license requirement.*

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: $1,500
GBS: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1) of the EAR) may not be used for ''spacecraft'' in ECCNs 9A515.a.1, .a.2, .a.3, or .a.4, ''sub-orbital craft,'' or items in 9A515.g, unless determined by BIS to be eligible for License Exception STA in accordance with § 740.20(g) (License Exception STA eligibility requests for certain 9x515 and ''600 series'' items). (2) License Exception STA may not be used if the ''spacecraft'' controlled in ECCN 9A515.a.1, .a.2, .a.3, or .a.4 contains a separable or removable propulsion system enumerated in USML Category IV(d)(2) or USML Category XV(e)(12) and designated MT. (3) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 9A515.

List of Items Controlled

Related Controls: Spacecraft, launch vehicles and related articles that are enumerated in the USML, and technical data (including ''software'') directly related thereto, and all services (including training) directly related to the integration of any satellite or spacecraft to a launch vehicle, including both planning and onsite support, or furnishing any assistance (including training) in the launch failure analysis or investigation for items in ECCN 9A515.a, are ''subject to the ITAR.'' All other ''spacecraft,'' as enumerated below and defined in § 772.1, are subject to the controls of this ECCN. See also ECCNs 3A001, 3A002, 3A991, 3A992, 6A002, 6A004, 6A008, and 6A998 for specific ''space-qualified'' items, 7A004 and 7A104 for star trackers, and 9A004 for the International Space Station (ISS), the James Webb Space Telescope (JWST), and ''specially designed'' ''parts'' and ''components'' therefor. See USML Category XI(c) for controls on ''Monolithic Microwave Integrated Circuit'' (''MMIC'') amplifiers that are ''specially designed'' for defense articles. See ECCN 9A610.g for pressure suits used for high altitude aircraft.

Related Definitions: 'Microcircuit' means a device in which a number of passive or active elements are considered as indivisibly associated on or within a continuous structure to perform the function of a circuit.

Items:

''Spacecraft'' and other items described in ECCN 9A515 remain subject to the EAR even if exported, reexported, or transferred (in-country) with defense articles ''subject to the ITAR'' integrated into and included therein as integral parts of the item. In all other cases, such defense articles are subject to the ITAR. For example, a 9A515.a ''spacecraft'' remains ''subject to the EAR'' even when it is exported, reexported, or transferred (in-country) with a ''hosted payload'' described in USML Category XV(e)(17) incorporated therein. In all other cases, a ''hosted payload'' performing a function described in USML Category XV(a) always remains a USML item. The removal of the defense article subject to the ITAR from the spacecraft is a retransfer under the ITAR and would require an ITAR authorization, regardless of the CCL authorization the spacecraft is exported under. Additionally, transfer of technical data regarding the defense article subject to the ITAR integrated into the spacecraft would require an ITAR authorization.

a. ''Spacecraft,'' including satellites, and space vehicles and ''sub-orbital craft,'' whether designated developmental, experimental, research or scientific, not enumerated in USML Category XV or described in ECCN 9A004.u or .w, that:

a.1. Have electro-optical remote sensing capabilities and having a clear aperture greater than 0.35 meters, but less than or equal to 0.50 meters;

a.2. Have remote sensing capabilities beyond NIR (*i.e.,* SWIR, MWIR, or LWIR);

a.3. Have radar remote sensing capabilities (*e.g.,* AESA, SAR, or ISAR) having a center frequency equal to or greater than 1.0 GHz, but less than 10.0 GHz and having a bandwidth equal to or greater than 100 MHz, but less than 300 MHz;

a.4. Provide space-based logistics, assembly, or servicing of another ''spacecraft''; *or*

a.5. Are not described in ECCN 9A515.a.1, .a.2, .a.3 or .a.4.

Note: *ECCN 9A515.a includes commercial communications satellites, remote sensing satellites, planetary rovers, planetary and interplanetary probes, in-space habitats, and ''sub-orbital craft,'' not identified in ECCN 9A004 or USML Category XV(a).*

b. Ground control systems and training simulators ''specially designed'' for telemetry, tracking, and control of the ''spacecraft'' controlled in paragraphs 9A004.u or 9A515.a.

c. [Reserved]

d. Microelectronic circuits (*e.g.,* integrated circuits, microcircuits, or MOSFETs) and discrete electronic components rated, certified, or otherwise specified or described as meeting or exceeding all the following characteristics and that are ''specially designed'' for defense articles, ''600 series'' items, or items controlled by ECCNs 9A004.v or 9A515:

d.1. A total dose of 5 x 10^5 Rads (Si) (5 x 10^3 Gy (Si));

d.2. A dose rate upset threshold of 5 x 10^8 Rads (Si)/sec (5 x 10^6 Gy (Si)/sec);

d.3. A neutron dose of 1 x 10^{14} n/cm^2 (1 MeV equivalent);

d.4. An uncorrected single event upset sensitivity of 1 x 10^{-10} errors/bit/day or less, for the CREME–MC geosynchronous orbit, Solar Minimum Environment for heavy ion flux; and

d.5. An uncorrected single event upset sensitivity of 1 x 10^{-3} errors/part or less for a fluence of 1 X 10^7 protons/cm^2 for proton energy greater than 50 MeV.

e. Microelectronic circuits (*e.g.,* integrated circuits, microcircuits, or MOSFETs) and discrete electronic components that are rated, certified, or otherwise specified or described as meeting or exceeding the characteristics in either paragraph e.1 or e.2, AND ''specially designed'' for defense articles controlled by USML Category XV or items controlled by ECCNs 9A004.u or 9A515:

e.1. A total dose ≥1 X 10^5 Rads (Si) (1 x 10^3 Gy(Si)) and <5 X 10^5 Rads (Si) (5 x 10^3 Gy(Si)); and a single event effect (SEE) (*i.e.,* single event latchup (SEL), single event burnout (SEB), or single event gate rupture (SEGR)) immunity to a linear energy transfer (LET) ≥80 MeV-cm2/mg; *or*

e.2. A total dose ≥5 × 10^5 Rads (Si) (5 × 10^3 Gy (Si)) and not described in 9A515.d.

Note 1 to 9A515.d and .e: *Application specific integrated circuits (ASICs), integrated circuits developed and produced for a specific application or function, specifically designed or modified for defense articles and not in normal commercial use are controlled by Category XI(c) of the USML regardless of characteristics.*

Note 2 to 9A515.d and .e: *See 3A001.a for controls on radiation-hardened microelectronic circuits ''subject to the EAR'' that are not controlled by 9A515.d or 9A515.e.*

f. Pressure suits (*i.e.,* space suits) capable of operating at altitudes 55,000 feet above sea level.

g. Remote sensing components ''specially designed'' for ''spacecraft'' described in ECCNs 9A515.a.1 through 9A515.a.4 as follows:

g.1. Space-qualified optics (*i.e.,* lens, mirror, membrane having active properties (*e.g.,* adaptive, deformable)) with the largest lateral clear aperture dimension equal to or less than 0.35 meters; or with the largest clear aperture dimension greater than 0.35 meters but less than or equal to 0.50 meters;

g.2. Optical bench assemblies ''specially designed'' for ECCN 9A515.a.1, 9A515.a.2, 9A515.a.3, or 9A515.a.4 ''spacecraft;'' *or*

g.3. Primary, secondary, or hosted payloads that perform a function of ECCN 9A515.a.1, 9A515.a.2, 9A515.a.3, or 9A515.a.4 ''spacecraft.''

h. Spacecraft thrusters using bi-propellants or mono-propellants that provide thrust equal to or less than 150 lbf (*i.e.,* 667.23 N) vacuum thrust.

i. through w. [RESERVED]

x. ''Parts,'' ''components,'' ''accessories'' and ''attachments'' that are ''specially designed'' for defense articles controlled by USML Category XV or items controlled by 9A515, and that are NOT:

x.1. Enumerated or controlled in the USML or elsewhere within ECCNs 9A515 or 9A004;

x.2. Microelectronic circuits and discrete electronic components;

x.3. Described in ECCNs 7A004 or 7A104;

x.4. Described in an ECCN containing ''space-qualified'' as a control criterion (*i.e.,* 3A001.b.1, 3A001.e.4, 3A002.g.1, 3A991.o, 3A992.b.3, 6A002.a.1, 6A002.b.2, 6A002.d.1, 6A004.c and .d, 6A008.j.1, 6A998.b, or 7A003.d.2);

x.5. Microwave solid state amplifiers and microwave assemblies (refer to ECCN 3A001.b.4 for controls on these items);

x.6. Travelling wave tube amplifiers (refer to ECCN 3A001.b.8 for controls on these items); *or*

x.7. Elsewhere specified in ECCN 9A515.y.

Note to 9A515.x: ''*Parts,*'' ''*components,*'' ''*accessories,*'' *and* ''*attachments*'' *specified in USML subcategory XV(e) or enumerated in other USML categories are subject to the controls of that paragraph or category.*

y. Items that would otherwise be within the scope of ECCN 9A515.x but that have been identified in an interagency-cleared commodity classification (CCATS) pursuant to § 748.3(e) as warranting control in 9A515.y.

y.1. Discrete electronic components not specified in 9A515.e;

y.2. Space grade or for spacecraft applications thermistors;

y.3. Space grade or for spacecraft applications RF microwave bandpass ceramic filters (Dielectric Resonator Bandpass Filters);

y.4. Space grade or for spacecraft applications hall effect sensors;

y.5. Space grade or for spacecraft applications subminiature (SMA and SMP) plugs and connectors, TNC plugs and cable and connector assemblies with SMA plugs and connectors; *and*

y.6. Space grade or for spacecraft applications flight cable assemblies.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

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FEDERAL TRADE COMMISSION

16 CFR Part 310

RIN 3084–AA98

Telemarketing Sales Rule Fees

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (the ''Commission'') is amending its Telemarketing Sales Rule (''TSR'') by updating the fees charged to entities accessing the National Do Not Call Registry (the ''Registry'') as required by the Do-Not-Call Registry Fee Extension Act of 2007.

DATES: Effective October 5, 2020. The revised fees will be applicable October 1, 2020.

ADDRESSES: Copies of this document are available on the internet at the Commission's website: *https://www.ftc.gov.*

FOR FURTHER INFORMATION CONTACT: Ami Joy Dziekan (202–326–2648), Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Room CC–9225, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: To comply with the Do-Not-Call Registry Fee Extension Act of 2007 (15 U.S.C. 6152) (the ''Act''), the Commission is amending the TSR by updating the fees entities are charged for accessing the Registry as follows: The revised rule increases the annual fee for access to the Registry for each area code of data from $65 to $66 per area code; and increases the maximum amount that will be charged to any single entity for accessing area codes of data from $17,765 to $18,044. Entities may add area codes during the second six months of their annual subscription period, and the fee for those additional area codes increases to $33 from $32.

These increases are in accordance with the Act, which specifies that beginning after fiscal year 2009, the dollar amounts charged shall be increased by an amount equal to the amounts specified in the Act, multiplied by the percentage (if any) by which the average of the monthly consumer price index (for all urban consumers published by the Department of Labor) (''CPI'') for the most recently ended 12-month period ending on June 30 exceeds the CPI for the 12-month period ending June 30, 2008. The Act also states that any increase shall be rounded to the nearest dollar and that there shall be no increase in the dollar amounts if the change in the CPI since the last fee increase is less than one percent. For fiscal year 2009, the Act specified that the original annual fee for access to the Registry for each area code of data was $54 per area code, or $27 per area code of data during the second six months of an entity's annual subscription period, and that the maximum amount that would be charged to any single entity for accessing area codes of data would be $14,850.

The determination whether a fee change is required and the amount of the fee change involves a two-step process. First, to determine whether a fee change is required, we measure the change in the CPI from the time of the previous increase in fees. There was an increase in the fees for fiscal year 2020. Accordingly, we calculated the change in the CPI since last year, and the increase was 1.56 percent. Because this change is over the one percent

threshold, the fees will change for fiscal year 2021.

Second, to determine how much the fees should increase this fiscal year, we use the calculation specified by the Act set forth above: The percentage change in the baseline CPI applied to the original fees for fiscal year 2009. The average value of the CPI for July 1, 2007, to June 30, 2008, was 211.702; the average value for July 1, 2019, to June 30, 2020, was 257.230, an increase of 21.51 percent. Applying the 21.51 percent increase to the base amount from fiscal year 2009, leads to a $66 fee for access to a single area code of data for a full year for fiscal year 2021, an increase of $1 from last year. The actual amount is $65.62, but when rounded, pursuant to the Act, $66 is the appropriate fee. The fee for accessing an additional area code for a half year increases by one dollar to $33 (rounded from $32.81). The maximum amount charged increases to $18,044 (rounded from $18,044.24).

Administrative Procedure Act; Regulatory Flexibility Act; Paperwork Reduction Act. The revisions to the Fee Rule are technical in nature and merely incorporate statutory changes to the TSR. These statutory changes have been adopted without change or interpretation, making public comment unnecessary. Therefore, the Commission has determined that the notice and comment requirements of the Administrative Procedure Act do not apply. *See* 5 U.S.C. 553(b). For this reason, the requirements of the Regulatory Flexibility Act also do not apply. *See* 5 U.S.C. 603, 604.

Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3521, the Office of Management and Budget (''OMB'') approved the information collection requirements in the Amended TSR and assigned the following existing OMB Control Number: 3084–0169. The amendments outlined in this Final Rule pertain only to the fee provision (§ 310.8) of the Amended TSR and will not establish or alter any record keeping, reporting, or third-party disclosure requirements elsewhere in the Amended TSR.

List of Subjects in 16 CFR Part 310

Advertising, Consumer protection, Reporting and recordkeeping requirements, Telephone, Trade practices.

Accordingly, the Federal Trade Commission amends part 310 of title 16 of the Code of Federal Regulations as follows:

PART 310—TELEMARKETING SALES RULE

■ 1. The authority citation for part 310 continues to read as follows:

Authority: 15 U.S.C. 6101–6108; 15 U.S.C. 6151–6155.

■ 2. Revise the heading for part 310 to read as set forth above.

■ 3. In § 310.8, revise paragraphs (c) and (d) to read as follows:

§ 310.8 Fee for access to the National Do Not Call Registry.

* * * * *

(c) The annual fee, which must be paid by any person prior to obtaining access to the National Do Not Call Registry, is $66 for each area code of data accessed, up to a maximum of $18,044; *provided,* however, that there shall be no charge to any person for accessing the first five area codes of data, and *provided further,* that there shall be no charge to any person engaging in or causing others to engage in outbound telephone calls to consumers and who is accessing area codes of data in the National Do Not Call Registry if the person is permitted to access, but is not required to access, the National Do Not Call Registry under this Rule, 47 CFR 64.1200, or any other Federal regulation or law. No person may participate in any arrangement to share the cost of accessing the National Do Not Call Registry, including any arrangement with any telemarketer or service provider to divide the costs to access the registry among various clients of that telemarketer or service provider.

(d) Each person who pays, either directly or through another person, the annual fee set forth in paragraph (c) of this section, each person excepted under paragraph (c) from paying the annual fee, and each person excepted from paying an annual fee under § 310.4(b)(1)(iii)(B), will be provided a unique account number that will allow that person to access the registry data for the selected area codes at any time for the twelve month period beginning on the first day of the month in which the person paid the fee (''the annual period''). To obtain access to additional area codes of data during the first six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay $66 for each additional area code of data not initially selected. To obtain access to additional area codes of data during the second six months of the annual period, each person required to pay the fee under paragraph (c) of this section must first pay $33 for each additional area code of data not initially selected. The payment of the additional fee will permit the person to access the additional area codes of data for the remainder of the annual period.

* * * * *

By direction of the Commission, Commissioner Slaughter and Commissioner Wilson not participating.

April J. Tabor,

Acting Secretary.

[FR Doc. 2020–19137 Filed 10–2–20; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF EDUCATION

34 CFR Part 9

[Docket ID ED–2020–OGC–0150]

RIN 1801–AA22

Rulemaking and Guidance Procedures

AGENCY: Office of the General Counsel, Department of Education.

ACTION: Interim final regulations.

SUMMARY: The Department of Education (Department) issues these interim final regulations to codify procedures relating to the issuance of rulemaking and guidance documents. These regulations implement an Executive order entitled ''Promoting the Rule of Law Through Improved Agency Guidance Documents,'' issued on Oct. 9, 2019, whose central principles are transparency and the presumption that guidance documents only clarify existing legal obligations and may not become a vehicle for implementing new, binding requirements on stakeholders or the public. In addition, these, these regulations outline how the Department will develop rules and the circumstances under which it will do so.

DATES:

Effective date: These regulations are effective November 4, 2020.

Comment due date: We must receive your comments on or before November 4, 2020.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or by postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format.

If you must submit a comment in Adobe Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. Please do not submit the PDF in a scanned format. Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Help.''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the interim final regulations, address them to: Lynn Mahaffie, U.S. Department of Education, 400 Maryland Avenue SW, Room 6E231, Washington, DC 20202.

Privacy Note: The Department's policy is to make comments received from members of the public available for public viewing on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For further information, contact Lynn Mahaffie, U.S. Department of Education, 400 Maryland Avenue SW, Room 6E231, Washington, DC 20202. Telephone: (202) 453–7862. Email: *lynn.mahaffie@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: Although the Department has decided to issue these interim final regulations without first publishing proposed regulations for public comment due to their procedural nature, we are interested in whether you think we should make any changes in these regulations. We invite your comments. We will consider these comments in determining whether to revise the regulations.

To ensure that your comments may be most effectively considered, we urge you to clearly identify the specific section or sections of the interim final regulations that each comment addresses and to arrange your comments in the same order as the interim final regulations.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these interim final regulations. Please let us know of any further ways by which we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about these interim final regulations by accessing *www.regulations.gov.* Due to the current COVID–19 public health emergency, the Department buildings are not open to the public. However, upon reopening, you may also inspect the comments in person at 400 Maryland Avenue SW, Washington, DC 20202, between 8:30 a.m. and 4:00 p.m., Eastern Time, Monday through Friday of each week except Federal holidays. To schedule a time to inspect comments, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these interim final regulations. To schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

Through this interim final rule, the Department establishes a comprehensive set of policies and procedures that will increase transparency, provide for more robust public participation, and strengthen the overall quality and fairness of the Department's processes for issuing regulatory and guidance documents. The regulations implement Executive Order 13891, issued on Oct. 9, 2019 (84 FR 55235), which requires Federal agencies, including the Department, to publish regulations that set forth processes and procedures for issuing guidance documents. In addition, the Department is taking this opportunity to describe how and under what circumstances it develops regulations.

Rulemaking Procedures

The procedures contained in this interim final rule apply to all phases of the Department's rulemaking process. The interim final rule outlines the Department's regulatory policies, such as avoiding excessive regulation and ensuring that, where they impose burdens, regulations are narrowly tailored to address identified market failures or statutory mandates, and that they specify performance objectives when appropriate.

This interim final rule reflects the existing role of the Department's Regulatory Reform Task Force in the development of the Department's regulatory portfolio and ongoing review of regulations. Established in response to Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' issued on Feb. 24, 2017 (82 FR 12285), the Regulatory Reform Task Force is the Department's internal body, chaired by its Regulatory Reform Officer, tasked with evaluating proposed and existing regulations and making recommendations to the Secretary of Education regarding their promulgation, repeal, replacement, or modification, consistent with applicable law.

This interim final rule also prescribes the procedures the Department must follow for all stages of the rulemaking process, including the initiation of new rulemakings, the development of economic analyses, the contents of rulemaking documents, their review process, and the opportunity for public participation. The interim final rule also reflects the Department's existing policies regarding contacts with outside parties during the rulemaking process as well as the ongoing review of existing regulations.

Consistent with the Department's regulatory philosophy that rules imposing the greatest costs on the public should be subject to heightened procedural requirements, this interim final rule incorporates the Department's enhanced procedures for economically significant and high-impact rulemakings. Consistent with section 3(f) of Executive Order 12866, issued on Sept. 30, 1993 (58 FR 51735), ''economically significant'' rulemakings are defined as those rules that may result in an annual effect on the economy of $100 million or more. ''High-impact'' rulemakings would result in a total annualized cost to the U.S. economy of $500 million or more, or a total net loss of at least 250,000 full-time jobs in the United States over 5 years. These costly rulemakings may be subject to enhanced rulemaking procedures, such as formal hearings.

In addition to formalizing the process for petitions for rulemaking, the new procedures will explicitly allow members of the public to file petitions requesting that the Department conduct a retrospective regulatory review of existing regulations and guidance.

Guidance Procedures

Executive Order 13891 defines the terms ''guidance document'' and ''significant guidance document'' and requires that agency regulations issued pursuant to that Executive order be consistent with the order and include—

(a) A requirement that each guidance document clearly state that it does not bind the public, except as authorized by law or as incorporated into a contract;

(b) Procedures for the public to petition for the withdrawal or modification of a particular guidance document; and

(c) For a significant guidance document, as determined by the Administrator of the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs (OIRA or Administrator), provisions requiring—

(1) A period of public notice and comment of at least 30 days before issuance of a final guidance document, and a public response from the agency to major concerns raised in comments, except when the agency for good cause finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest;

(2) Approval on a non-delegable basis by the agency head or by an agency component head appointed by the President, or by an official who is serving in an acting capacity as either of the foregoing roles before issuance;

(3) Review by OIRA under Executive Order 12866, before issuance; and

(4) Compliance with the applicable requirements for regulations or rules, including significant regulatory actions, set forth in Executive Orders 12866, 13563, 13609, 13771, and 13777.

The interim final regulations address each of the requirements of Executive Order 13891, and incorporate policies described in OMB Memorandum M–20–02 (Memo M–20–02), issued on Oct. 31, 2019, which implements the order.

The Department published a notice in the **Federal Register** to inform the public of the location of its guidance portal, *https://www2.ed.gov/policy/gen/guid/types-of-guidance-documents.html,* on Feb. 26, 2020 (85 FR 11056). The Department's guidance portal is a single, searchable database that contains or links to all guidance documents in effect from all offices in the Department.

Waiver of Proposed Rulemaking

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on a proposed rule. However, the APA provides that an agency is not required to conduct notice and comment rulemaking for interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). This rule is a procedural rule for which notice and comment rulemaking is not required. Nonetheless, the Department is issuing an interim final rule instead of a final rule to allow the members of the public to provide their input about the content of the rule. We anticipate issuing a final rule after reviewing and considering public comment, if any substantive public comments are received.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget must determine whether this regulatory action is ''significant'' and, if so, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

OMB has determined that this regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, issued on Jan. 30, 2017 (82 FR 9339), for each new regulation that the Department proposes for notice and comment, or otherwise promulgates, that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For FY 2020, any new incremental costs associated with a significant regulatory action must be fully offset by the elimination of existing costs through deregulatory actions. Because this regulatory action is not significant, the requirements of Executive Order 13771 do not apply.

We have also reviewed these regulations under Executive Order 13563, issued on Jan. 18, 2011 (76 FR 3821), which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Section 1(c) of Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' OIRA has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these interim final regulations only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that these regulations are

consistent with the principles in Executive Order 13563.

We have also determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Costs and Benefits

In accordance with Executive Orders 13563 and 13771, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from the requirements of Executive Order 13891 and those we have determined are necessary for administering the Department's programs and activities, that is, additional public hearings, more comprehensive impact analyses, and more frequent retrospective reviews. These interim final regulations will benefit the public by—(1) providing increased transparency and more comprehensive analysis of each regulatory action; (2) ensuring that the public is subject to only those binding rules imposed through duly enacted statutes or through regulations lawfully promulgated to implement them; and (3) providing the public with fair notice of their obligations. The interim final regulations make clear that the Department will treat guidance documents as non-binding both in law and in practice, except as authorized by law or as incorporated into a contract, take public input into account in formulating significant guidance documents, and make guidance documents readily available to the public. The Department may impose legally binding requirements on the public only through regulations, and on parties on a case-by-case basis through adjudications, and only after appropriate process, except as authorized by law or as incorporated into a contract.

The potential costs associated with the interim final regulations are, at the most, minimal, while the potential benefits are significant. As explained below, there are no information collection requirements associated with these regulations under the *Paperwork Reduction Act of 1995.*

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum ''Plain Language in Government Writing'' require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these interim final regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the interim final regulations clearly stated?
- Are the implications and impacts of the interim final regulation clearly stated?
- Do the interim final regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the interim final regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the interim final regulations be easier to understand if we divided them into more (but shorter) sections? (A ''section'' is preceded by the symbol ''§ '' and a numbered heading; for example, ''§ 9.1 Purpose.''.)
- Could the description of the interim final regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the interim final regulations easier to understand? If so, how?
- What else could we do to make the interim final regulations easier to understand?

To send any comments that concern how the Department could make these interim final regulations easier to understand, see the instructions in the **ADDRESSES** section.

Regulatory Flexibility Act Certification

Because notice-and-comment rulemaking is not necessary for this interim rule, the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that: The public understands the Department's collection instructions; respondents can provide the requested data in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the Department can properly assess the impact of collection requirements on respondents.

The interim final regulations do not contain any information collection requirements.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (such as braille, large print, audiotape, or compact disc) on request to the person listed under **FOR FURTHER INFORMATION CONTACT.**

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF, you must have Adobe Acrobat Reader, which is available for free on the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

List of Subjects in 34 CFR Part 9

Administrative practice and procedure.

Betsy DeVos,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary adds part 9 to title 34 of the Code of Federal Regulations as follows:

PART 9—ADMINISTRATIVE RULEMAKING AND GUIDANCE PROCEDURES

Sec.

Subpart A—General Provisions

9.1 Purpose.
9.2 References.
9.3 Applicability.

Subpart B—Rulemaking Authority

9.4 Policies.
9.5 Responsibilities.
9.6 Regulatory Reform Task Force.
9.7 Initiating a rulemaking.
9.8 Unified Agenda of Regulatory and Deregulatory Actions.
9.9 General rulemaking procedures.
9.10 Special procedures for economically significant rules and high-impact rules.
9.11 Public contacts in informal rulemaking.

Subpart C—Guidance Document Procedures

9.12 Policy.
9.13 Guidance documents.
9.14 Significant guidance documents.
9.15 Request for withdrawal or modification of guidance documents and significant guidance documents.
9.16 Rescinded significant guidance documents.

Subpart D—Miscellaneous Provisions

9.17 Policy updates and revisions.

9.18 Disclaimer.

Authority: 20 U.S.C. 1221e–3.

Subpart A—General Provisions

§ 9.1 Purpose.

This part sets forth policies and procedures governing the development and issuance of regulations and guidance documents by the Department of Education (Department). The regulations in this part are intended to ensure that the Department adheres to—

(a) Constitutional and statutory requirements applicable to Department rulemaking, including the rulemaking provisions of the Administrative Procedure Act, referenced in § 9.2;

(b) Controlling Supreme Court decisions;

(c) Executive Orders 12866, 13771, 13777, and 13891, and any amendments thereto;

(d) All applicable Office of Management and Budget (OMB) directives for rulemaking; and

(e) Best practices for rulemaking, including best practices for economic analyses and for appropriate outreach to interested parties throughout the rulemaking process.

§ 9.2 References.

(a) U.S. Const., including art. I sections 7, 8; art. II section 3. U.S. Const. amend. I and V.

(b) Administrative Procedure Act (APA), 5 U.S.C. 552(a)(l), 553, 556, 555, and 557, which prescribe general procedural requirements of law applicable to all Federal agencies regarding the formulation and issuance of regulations.

(c) Controlling Supreme Court decisions, including *Bostock* v. *Clayton Cnty.,* 140 U.S. 1731 (2020); *Kisor* v. *Wilkie,* 139 S. Ct. 2400 (2019); *Dimya* v. *Sessions,* 138 S. Ct. 1204 (2018); *Nat'l Ass'n of Mfrs.* v. *Dep't of Def.,* 138 S. Ct. 617 (2018); *Yates* v. *United States,* 574 U.S. 528 (2015); *Util. Air Regulatory Grp.* v. *EPA,* 573 U.S. 302 (2014); *City of Arlington* v. *FCC,* 569 U.S. 290 (2013); *FCC* v. *Fox Television Stations, Inc.,* 567 U.S. 239 (2012); *Christopher* v. *SmithKline Beecham Corp.,* 567 U.S. 142 (2012); *Nat'l Ass'n of Homebuilders* v. *Defenders of Wildlife,* 551 US 644 (2007); *United States* v. *Mead Corp.,* 533 U.S. 218 (2001); and *Chevron U.S.A. Inc.* v. *Natural Res. Def. Council, Inc.,* 467 U.S. 837 (1984).

(d) Executive Order 12866, ''Regulatory Planning and Review'' (Sept. 3, 1993), which sets forth a regulatory philosophy and principles to which all Federal agencies should adhere, including requirements to regulate in the most cost-effective manner, to make a reasoned determination that the benefits of the intended regulations justify its costs, and to develop regulations that impose the least burden on society.

(e) Executive Order 13891, ''Promoting the Rule of Law Through Improved Agency Guidance Documents'' (Oct. 9, 2019), which provides direction to agencies on the use of guidance documents and directs them to publish regulations that set forth processes and procedures for issuing guidance documents.

§ 9.3 Applicability.

(a) This part governs all Department employees and contractors involved with any phase of rulemaking or guidance at the Department.

(b) Unless otherwise required by statute, this part applies to all Department regulations, which include all rules of general applicability promulgated by the Department that affect the rights or obligations of persons outside the Department, including substantive rules, interpretive rules, and rules prescribing agency procedures and practice requirements applicable to outside parties. This part applies to all regulatory actions intended to lead to the promulgation of a rule and any other generally applicable directives, circulars, or pronouncements that are intended to have the force or effect of law or that are required by statute to satisfy the rulemaking procedures specified in 5 U.S.C. 553 or 556.

(c) This part does not apply to the following:

(1) Any rulemaking in which a draft notice of proposed rulemaking was submitted to OMB before November 4, 2020.

(2) Rules addressed solely to internal agency management or personnel matters.

(3) Regulations related to Federal Government procurement and grants.

(4) Adjudications and investigations.

(5) Pleadings, briefs, and other filings in court or administrative proceedings.

Subpart B—Rulemaking Authority

§ 9.4 Policies.

The following policies govern the development and issuance of regulations at the Department:

(a) Statutory text, read plainly and construed according to its ordinary public meaning at the time of enactment, authoritatively prescribes both the Department's power to act and how it may act. In connection with rulemaking, the threshold question for the Department is whether Congress has directly authorized the proposed action, based on the principle that Congress knows to speak in plain terms when it wishes to enlarge agency authority and when it wishes to circumscribe it. If, after exhausting all traditional rules of construction, the Department fairly determines a given statute is ambiguous, then it may exercise its interpretative authority and engage in rulemaking, but only after—

(1) Determining Congress has expressly delegated definitional and interpretative regulatory authority with respect to a given statute or provision; or

(2)(i) Given the agency's general rulemaking authority in 410 of the General Education Provisions Act (GEPA) (20 U.S.C. 1221e–3) and section 414 of the Department of Education Organization Act (DEOA) (20 U.S.C. 3474), determining Congress has impliedly delegated definitional and interpretative regulatory authority through, *e.g.,* ambiguous language; and

(ii) Determining the interpretative issue presents no ''major question'' nor other circumstances supporting the inference that Congress did not intend the Department to decide the question.

(b) In considering whether to propose a regulation, policymakers at the Department will consider whether the specific problem to be addressed requires agency action, whether existing rules have created or contributed to the problem and should be revised or eliminated, and whether there are any other reasonable alternatives that obviate the need for a new regulation.

(c) All regulations must be authorized by statute, consistent with the Constitution, and promulgated in accordance with the Administrative Procedure Act.

(d) The Department must base the regulations on the best available evidence and data, and comply with all relevant laws, including the Information Quality Act, 44 U.S.C. 3516, note; the Foundations for Evidence-Based Policymaking Act of 2018, Public Law 115–435, 132 Stat. 5529; and OMB's ''Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies'' (Feb. 22, 2002).

(e) The Department should write its regulations clearly and in plain language, consistent with Executive Order 13563.

(f) Regulations should minimize burdens where feasible. Where they impose burdens, the Department should narrowly tailor regulations to address the identified specific problem in a manner that maximizes net benefits.

(g) Unless required by law, the Department should issue regulations only when it expects their benefits to exceed their costs, recognizing that some costs and benefits are difficult to quantify.

(h) Once issued, the Department should periodically review and revise regulations and other agency actions to ensure that they remain net-beneficial and continue to meet the needs that they sought to address.

(i) Full public participation should be encouraged in rulemaking actions, primarily through engagement in public meetings, written comment, and, where required or otherwise appropriate, negotiated rulemaking.

(j) The process for issuing a rule must allow for proper consideration of the economic impact of the rule; thus, the promulgation of rules that are expected to impose greater economic costs should be accompanied by additional procedural protections and additional avenues for public participation.

§ 9.5 Responsibilities.

(a) The Secretary of Education (Secretary) supervises the overall planning, direction, and control of the Department's Regulatory Agenda; approves regulatory documents for issuance and submission to OMB under Executive Order 12866; identifies an approximate regulatory budget for each fiscal year as required by Executive Order 13771; establishes the Department's Regulatory Reform Task Force (RRTF); and designates the members of the RRTF and the Department's Regulatory Reform Officer (RRO) in accordance with Executive Order 13777.

(b) The RRO of the Department assists the Secretary in overseeing the overall planning, direction, and control of the Department's Regulatory Agenda and approves the initiation of regulatory action, as defined in Executive Order 12866, by the Department and its principals. The RRO also serves as the Chair of the Leadership Council of the RRTF.

(c) The RRO of the Department is delegated authority by the Secretary to oversee the implementation of the Department's regulatory reform initiatives and policies to ensure the effective implementation of regulatory reforms, consistent with Executive Order 13777 and applicable law. The RRO shall be responsible for ensuring the Department complies with this part, including but not limited to §§ 9.1 and 9.4, in all respects.

(d) The General Counsel of the Department is the chief legal officer of the Department, with final authority for providing legal assistance to the Secretary concerning the programs and policies of the Department and serves on the Leadership Council of the RRTF. The General Counsel shall closely assist the RRO in ensuring that the Department complies with this part, including but not limited to §§ 9.1 and 9.4, in all respects.

(e) The Department's Deputy General Counsel with responsibility for supervision of the Division of Regulatory Services (DRS) of the Office of the General Counsel (OGC) is a member of the RRTF as designated by the Secretary, serves as the Department's Regulatory Policy Officer (RPO) pursuant to section 6(a)(2) of Executive Order 12866, and chairs the RRTF Working Group.

(f) Except as otherwise agreed by senior agency officials due to exceptional circumstances, subject to the oversight of the General Counsel and Deputy General Counsel with responsibility for supervision of DRS, the Department's Assistant General Counsel for Regulatory Services supervises DRS within OGC; oversees the process for rulemaking; provides legal advice on compliance with all APA and other administrative law requirements and with Executive orders, OMB directives, and other regulatory procedures; circulates regulatory documents for departmental review and seeks concurrence from reviewing officials; submits significant regulatory documents to the Secretary for approval before issuance or submission to OMB; coordinates with the Office of Information and Regulatory Affairs (OIRA) within OMB on OIRA's designation and review of regulatory documents and the preparation of the Unified Agenda of Regulatory and Deregulatory Actions; and serves as a member of the RRTF Working Group.

(g) DRS attorneys will serve as Regulatory Quality Officers designated by the Regulatory Reform Officer who will have responsibility for reviewing all rulemaking documents for plain language, technical soundness, compliance with the provisions of this part, and general quality.

§ 9.6 Regulatory Reform Task Force.

(a) *Purpose.* The RRTF evaluates proposed and existing regulations and makes recommendations to the Secretary regarding their promulgation, repeal, replacement, or modification, consistent with applicable law and Executive Orders 12866, 13771, and 13777.

(b) *Structure.* The RRTF is comprised of a Working Group and a Leadership Council.

(1) The Working Group coordinates with the RRO and the applicable offices within the Department (referred to as Principal Operating Components (POCs) in this part), reviews and develops recommendations for regulatory and deregulatory action, and presents recommendations to the Leadership Council.

(2) The Leadership Council reviews the Working Group's recommendations and advises the Secretary.

(c) *Membership.* (1) The Working Group comprises the following:

(i) The RPO, who will serve as Chair of the Working Group.

(ii) The Assistant General Counsel for DRS.

(iii) Other agency officials from POCs, as determined by the RRO.

(2) The Leadership Council comprises the following:

(i) The RRO, who serves as Chair.

(ii) The Department's General Counsel.

(iii) The Department's RPO.

(iv) The Department's Assistant Secretary, Office of Planning, Evaluation and Policy Development (OPEPD).

(v) Any additional senior agency officials as determined by the Secretary.

(d) *Functions and responsibilities.* In addition to the functions and responsibilities enumerated in Executive Order 13777, the RRTF performs the following duties:

(1) Reviews each request for a new rulemaking action initiated by a POC.

(2) Considers each proposed or final regulation and regulatory policy question referred to it and makes a recommendation to the Secretary for its disposition.

(e) *Support.* DRS provides support to the RRTF.

(f) *Meetings.* The Leadership Council meets quarterly, or as needed, and will hold specially scheduled meetings when necessary to address particular regulatory matters. The Working Group meets monthly, or as needed, and may establish subcommittees, as appropriate, to focus on specific regulatory matters.

§ 9.7 Initiating a rulemaking.

(a) Before a POC may proceed to develop a significant proposed regulation (*e.g.,* an advanced notice of proposed rulemaking, notice of proposed rulemaking (NPRM), or interim final rule), the POC must consider the regulatory philosophy and principles of regulation identified in section 1 of Executive Order 12866 and the policies set forth in § 9.4. If the POC head determines, after consultation with OGC and the Office of Budget Service, that rulemaking is warranted consistent with those policies and principles, the

POC may prepare a Rulemaking Initiation Request.

(b) The Rulemaking Initiation Request should specifically state or describe—

(1) A proposed title for the rulemaking;

(2) The need for the regulation, including a description of any statutory mandate necessitating the rulemaking;

(3) The legal authority for the rulemaking;

(4) Whether the rulemaking is expected to be regulatory or deregulatory;

(5) Whether the rulemaking is expected to be significant, as defined by Executive Order 12866;

(6) Whether the final rule is expected to be an economically significant rule or a high-impact rule, as defined in § 9.10;

(7) A general description of the expected economic impact associated with the rulemaking, including whether the rulemaking is likely to generate benefits, impose costs, or generate cost savings;

(8) A description of any scientific, technical, economic, or other information or evidence relied on or needed to inform rulemaking;

(9) The tentative target dates for completing each stage of the rulemaking; and

(10) Whether there is a statutory or judicial deadline, or some other urgency, associated with the rulemaking.

(c) The POC submits the Rulemaking Initiation Request to the RPO and Assistant General Counsel for DRS, together with any other documents that may assist in the RRTF's consideration of the request.

(d) The RPO includes the Rulemaking Initiation Request on the agenda for consideration at the next Working Group meeting.

(e) The Working Group forwards the Rulemaking Initiation Request to the Leadership Council and provides the Leadership Council with a recommendation.

(f) The POC requests that DRS assign a Regulatory Information Number (RIN) to the rulemaking only upon the Leadership Council's (or RRO's) approval of the Rulemaking Initiation Request.

(g) Rulemaking Initiation Requests will be considered on a rolling basis; however, as applicable, DRS will establish deadlines for submission of Rulemaking Initiation Requests so that new rulemakings may be included in the Unified Agenda of Regulatory and Deregulatory Actions.

§ 9.8 Unified Agenda of Regulatory and Deregulatory Actions.

(a) The Unified Agenda of Regulatory and Deregulatory Actions (Unified Agenda) provides uniform reporting of data on regulatory and deregulatory activities under development throughout the Federal Government. The Department participates in the Unified Agenda.

(b) Fall editions of the Unified Agenda include the Regulatory Plan, which presents the Department's statement of regulatory priorities for the coming year. Fall editions also include the outcome and status of the Department's reviews of existing regulations, conducted in accordance with § 9.9(d).

(c) Each POC must—

(1) Carefully consider the principles contained in Executive Orders 12866, 13771, and 13777, and any Executive orders that supersede such orders, in the preparation of all submissions for the Unified Agenda;

(2) Ensure that all information pertaining to the Department's regulatory and deregulatory actions are accurately reflected in the Department's Unified Agenda submission;

(3) Timely submit all information to DRS in accordance with the deadlines and procedures communicated by that office; and

(4) Obtain the approval of the RRO to submit any new rulemaking as part of the Unified Agenda.

(d) Unless required to address an emergency or otherwise required by law or approved by the RRO and by OMB, no significant regulation may be issued if it was not included on the most recent version of the published Unified Agenda. Furthermore, no significant regulatory action may take effect until it has appeared in the Unified Agenda for at least 6 months prior to its issuance, unless good cause exists for an earlier effective date and action is otherwise approved by the RRTF or RRO.

§ 9.9 General rulemaking procedures.

(a) *Definitions.* (1) *Significant rulemaking* means a regulatory action designated by OMB under Executive Order 12866 as likely to result in a rule that may—

(i) Have an annual effect on the U.S. economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(ii) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

(2) *Nonsignificant rulemaking* means a regulatory action not designated as significant by OMB.

(b) *Departmental review process.* (1) Except as provided in this paragraph (b), all departmental rulemakings are to be reviewed and cleared by the Office of the Secretary prior to submission to OMB.

(2) Each POC head must—

(i) Ensure that all of the POC's rulemaking documents are written in plain language, technically sound, and generally of high quality;

(ii) Ensure that the division within OGC that is responsible for providing the POC with legal advice reviews all rulemaking documents for legal support and legal sufficiency, including compliance with all applicable legal authorities, including but not limited to those listed in § 9.1; and

(iii) Approve the submission of all rulemaking documents, including any regulatory impact analysis, to DRS for submission for departmental clearance.

(3) DRS transmits the rulemaking documents to POCs for review and comments in one or more rounds of departmental clearance, as appropriate, for a review period determined by DRS based on the length, complexity, and urgency of the particular rulemaking documents.

(4) Reviewing offices should provide comments or otherwise concur on rulemaking documents within 10 calendar days or as otherwise determined by DRS based on such factors as the length, complexity, and urgency of the documents.

(5) After each round of clearance, DRS sends reviewing offices' comments to the proposing POC for resolution. The POC resolves any comments and submits a revised draft to DRS for another round of clearance or for the next step following the completion of departmental clearance as determined by DRS.

(6) Following the completion of departmental clearance, DRS prepares a rulemaking package to request the Secretary's approval for the rulemaking to be submitted to OMB for review or to the **Federal Register** for publication. These rulemaking packages are submitted to the Office of the Executive Secretariat, with a copy to the RRO, who must approve the rulemaking prior to submission to the Secretary.

(7) DRS notifies the POC and the RRO when the Secretary approves or disapproves the submission of the rulemaking to OMB or to the **Federal Register**.

(8) DRS is responsible for coordination with OIRA staff on OIRA's designation of all rulemaking documents, submission and clearance of all significant rulemaking documents, and all discussions or meetings with OMB concerning these documents. Generally, POCs must not schedule their own meetings with OMB without DRS and RRO involvement. Each POC should coordinate with DRS and the RRO before holding any discussions with OMB concerning regulatory policy or agreements to modify significant regulatory documents.

(c) *Petitions for rulemaking, exemptions, or retrospective review.* (1) Any interested person may petition the Department to issue, amend, or repeal a rule, or for an exemption from a rule that authorizes a permanent or temporary exemption; or to perform a retrospective review of an existing rule.

(2) A petition must—

(i) Be submitted to the Department through its docket designated for petitions on regulations.gov;

(ii) Contain the petitioner's name and contact information, including, at a minimum, an email address or mailing address;

(iii) Describe the nature of the request, and identify the rule at issue, including the specific text or substance of the rule;

(iv) Explain the interest of the petitioner in the action requested, including, in the case of a petition for an exemption, the nature and extent of the relief sought and a description of the persons to be covered by the exemption; and

(v) Contain an adequate justification for the action sought.

(3)(i) Within 60 calendar days of the Department's receipt of the petition, the head of the POC with regulatory responsibility over the matter described in the petition, or their designee, must recommend whether to—

(A) Proceed with consideration of rulemaking, an exemption, or retrospective review; or

(B) Deny, in whole or in part, the petition.

(ii) The head of the POC, in consultation with the RRO and General Counsel, as needed, determines which petitions to deny. If the head of the POC determines that the petition contains adequate justification to issue, amend, or repeal a rule; to provide for a permanent or temporary exemption from any rule; or to perform a retrospective review of an existing rule, it refers the proposed action to the RRTF.

(4) After action by the RRTF, the POC responsible for the subject matter of the petition notifies the petitioner of any action on the petition. If the petition is denied, then the POC must provide an appropriately reasoned statement of the grounds for denial.

(d) *Review of existing regulations.* (1) All significant departmental regulations will be reviewed on a 10-year cycle.

(2) The POC that issued the regulation will review it for the following:

(i) *Continued policy justification.* Whether there is a policy justification for maintaining the regulation that is compelling and evidence-based.

(ii) *Continued cost justification.* Whether the regulation requires adjustment due to changed market conditions or is no longer net beneficial.

(iii) *Regulatory flexibility.* Whether the regulation has a significant economic impact on a substantial number of small entities and requires review under 5 U.S.C. 610 (commonly known as the Regulatory Flexibility Act).

(iv) *General updates.* Whether the regulation may need technical corrections, updates, revisions, or repeal.

(v) *Plain language.* Whether the regulation needs revisions for plain language.

(vi) *Other considerations.* Whether there are other considerations under relevant Executive orders and laws.

(3) The results of each POC's review will be reported annually in the fall Unified Agenda.

(e) *Regulatory impact analysis.* (1) The Office of Budget Service has primary responsibility for conducting and approving regulatory impact analyses.

(2) Rules include, at a minimum—

(i) An assessment of the potential costs and benefits of the regulatory action (a regulatory impact analysis) or a reasoned determination that the expected economic impact is so minimal that a formal analysis of costs and benefits is not warranted; and

(ii) If the regulatory action is expected to impose costs, either a reasoned determination that the benefits outweigh the costs or, if the particular rulemaking is mandated by statute notwithstanding a negative cost-benefit assessment, a detailed discussion of the rationale supporting the specific regulatory action proposed and an explanation of why this approach maximizes net benefits.

(3) To the extent practicable, economic assessments will quantify the foreseeable annual economic costs and cost savings within the United States that would likely result from issuance of the rule and be conducted in accordance with section 1(b)(6) of Executive Order 12866 and OMB Circular A–4 (Regulatory Analysis), as specified by OMB in consultation with DRS. If the Office of Budget Service has estimated that the rule will likely impose economic costs on persons outside the United States, such costs should be reported separately.

(4) Deregulatory significant rulemakings will be evaluated for quantifiable as well as qualitative cost savings. If it is determined that quantification of cost savings is not possible or appropriate, then the proposing POC will provide a reasoned justification for the lack of quantification upon submission of the rulemaking to the Office of Budget Service.

(f) *Regulatory flexibility analysis.* All rulemakings subject to the requirements of 5 U.S.C. 603–604 (as enacted by the Regulatory Flexibility Act), and any amendment thereto, must include the required analysis regarding the potential impact of the rule on small entities.

(g) *Notices of proposed rulemaking (NPRM)*—(1) *Timing.* After obtaining approval from the RRTF under § 9.7, if applicable, the proposing POC proceeds with rulemaking, consistent with applicable statutory and regulatory procedures (such as negotiated rulemaking, public hearings, and notice-and-comment rulemaking) in consultation with DRS.

(2) *Contents.* The NPRM must include, at a minimum—

(i) A statement of the time and place for submission of public comments and the time, place, and nature of any related public rulemaking proceedings;

(ii) Reference to the legal authority under which the rule is proposed and consistency with applicable authorities cited in § 9.1 and with the policy set forth in § 9.4;

(iii) The terms of the proposed rule;

(iv) A description of material information known to the POC on the subject of the proposed rule, including but not limited to—

(A) The considerations specified in § 9.7(b);

(B) For economically significant rules or documents over 100 pages, a summary of any regulatory impact analysis performed by the Department; and

(C) Information specifically identifying material data, studies, models, and other evidence or information considered or used by the Department in connection with its determination to propose the rule;

(v) A reasoned preliminary analysis of the need for the proposed rule based on the information described in the preamble to the NPRM, and an additional statement of whether a rule is required by statute;

(vi) A reasoned preliminary analysis indicating whether the expected benefits of the proposed rule will meet the relevant statutory objectives and will outweigh the estimated costs of the proposed rule, in accordance with any applicable requirements;

(vii) When possible, and especially if the rulemaking is significant, a summary discussion of the alternatives to the proposed rule considered by the POC, the relative costs and benefits of those alternatives, whether the alternatives would meet relevant statutory objectives, and why the POC chose not to propose or pursue the alternatives;

(viii) A statement of whether existing rules have created or contributed to the issue the Department seeks to address with the proposed rule and, if so, whether the Department proposes to amend or rescind any such rules and why; and

(ix) All other statements and analyses required by law, including, without limitation, the Regulatory Flexibility Act.

(3) *Information access and quality.* (i) To inform public comment when the NPRM is published, the proposing POC will place in the docket for the proposed rule and make accessible to the public, including by electronic means, material information relied upon by the POC in the NPRM that is not provided in the NPRM, unless the information is exempt from disclosure under 5 U.S.C. 552(b), 5 U.S.C. 552a, or any other applicable law. Material provided electronically should be made available in accordance with the requirements of section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(ii) The proposing POC will determine the most reliable and relevant scientific, technical, and economic information reasonably available to the Department as a basis for the proposal, identify the sources and availability of such information, and affirm such information complies with all applicable quality, objectivity, utility, and integrity provisions of OMB's ''Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies'' (Feb. 22, 2002) in the NPRM.

(h) *Public comment.* (1) Through the NPRM, or other applicable statutory procedures, the Department will provide the public a fair and sufficient opportunity to participate in the rulemaking through submission of written data, analysis, views, and recommendations.

(2) The Department—in coordination with OMB under Executive Order 12866 for significant rulemakings—will ensure that the public is given an adequate period for comment, taking into account the scope, complexity, and nature of the issues and considerations involved in the proposed regulatory action.

(3) Unless a longer comment period is required by statute, absent special considerations and after individualized determinations, the comment period for nonsignificant regulatory actions generally should be at least 30 calendar days, and the comment period for significant regulatory actions should be at least 60 calendar days.

(i) *Exemptions from notice and comment.* (1) Except when prior notice and an opportunity for public comment are required by statute or determined by the Secretary to be appropriate for policy or programmatic reasons, the responsible POC may, subject to the approval of the RRTF (in consultation with OMB, as appropriate), publish certain final rules in the **Federal Register** without prior notice and comment, provided the reasons to forgo public comment are explained in the preamble to the final rule. These may include, consistent with the Administrative Procedure Act (5 U.S.C. 553)—

(i) Interpretive rules and rules addressing only Department organization, procedure, or practice;

(ii) Rules for which notice and comment are unnecessary to inform the rulemaking, such as rules correcting minor technical or clerical errors or rules that merely update regulations to include new or revised statutory language; and

(iii) Rules that require finalization without delay, such as rules to address an urgent need, and other rules for which it would be impracticable or contrary to the public interest to accommodate a period of public comment, provided the responsible POC finds that good cause exists to forgo public comment pursuant to 5 U.S.C. 553(b)(B).

(2) Except when required by statute, issuing a substantive Department rule without completing notice and comment, including as an interim final rule (IFR) and direct final rule (DFR), must be the exception. In most cases in which a POC has issued an IFR, the responsible POC will proceed at the earliest opportunity to finalize the IFR.

(j) *Final rules.* The Department will adopt a final rule only after consulting with the RRTF. The final rule, which includes the text of the rule as adopted along with a supporting preamble, will be published in the **Federal Register** and must satisfy the following requirements:

(1) The preamble to the final rule will include—

(i) A concise, general statement of the rule's basis and purpose, including clear reference to the legal authority supporting the rule;

(ii) A reasoned determination by the adopting POC regarding each of the considerations required to be addressed in an NPRM under paragraph (g)(2) of this section;

(iii) A response to comments on the proposed rule;

(iv) If the final rule has changed in significant respects from the rule as proposed in the NPRM, an explanation of the changes and the reasons why the changes are needed or are more appropriate to advance the objectives identified in the rulemaking; and

(v) A reasoned discussion supporting a final determination that the information upon which the POC bases the rule complies with the Information Quality Act, 44 U.S.C. 3516, note, or any subsequent amendments thereto; the Foundations for Evidence-Based Policymaking Act of 2018, Public Law 115–435, 132 Stat. 5529; and OMB's ''Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies'' (Feb. 22, 2002).

(2) All final rules issued by the Department will—

(i) Be written in plain language;

(ii) Be based on data and evidence to the extent possible;

(iii) Be based on a reasonable and well-founded interpretation of relevant statutory text; and

(iv) Not be unnecessarily inconsistent or incompatible with, or unnecessarily duplicative of, other Federal regulations.

(k) *Reports to Congress and GAO.* For each final rule adopted by the Department, DRS will submit the reports to Congress and GAO and comply with the procedures specified by 5 U.S.C. 801 (commonly known as the Congressional Review Act).

(l) *Negotiated rulemaking.* (1) The Department will conduct negotiated rulemaking in accordance with section 492 of the Higher Education Act of 1965, 20 U.S.C. 1098a; 5 U.S.C. 561–571, commonly known as the Negotiated Rulemaking Act, as applicable; section 1601(b) of the Elementary and Secondary Education Act of 1965, 20 U.S.C. 6571(b); and any

other applicable negotiated rulemaking requirements, as well as the Federal Advisory Committee Act, 5 U.S.C. App., as applicable.

(2) Before initiating a negotiated rulemaking not required by law, the POC considering the use of negotiated rulemaking should—

(i) Assess whether using negotiated rulemaking for the proposed rule is in the public interest, in accordance with 5 U.S.C. 563(a), and present these findings to the Leadership Council;

(ii) Consult with DRS on the appropriateness of negotiated rulemaking; and

(iii) Receive the approval of the Leadership Council for the use of negotiated rulemaking.

(3) Unless otherwise approved by the General Counsel, all Department negotiated rulemakings should involve the assistance of at least one facilitator, as provided in 5 U.S.C. 561–567, commonly known as the Negotiated Rulemaking Act, 5 U.S.C. 566.

(4) Any charters, membership, **Federal Register** notices, and operating procedures (or bylaws) for negotiated rulemaking committees must be approved by OGC.

§ 9.10 Special procedures for economically significant rules and high-impact rules.

(a) *Definitions.* (1) *Economically significant rule* means a significant rule that is likely to impose a total annual cost on the U.S. economy (without regard to estimated benefits) of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities.

(2) *High-impact rule* means a significant rule that is likely to impose—

(i) A total annual cost on the U.S. economy (without regard to estimated benefits) of $500 million or more; or

(ii) A total net loss of at least 250,000 full-time jobs in the U.S. over the 5 years following the effective date of the rule (not counting any jobs relating to new regulatory compliance).

(b) *Additional requirements for NPRMs.* (1) In addition to the requirements set forth in § 9.9(g), an NPRM for an economically significant rule or a high-impact rule will include a discussion explaining an achievable objective for the rule and the metrics by which the POC will measure progress toward that objective.

(2) Absent unusual circumstances and unless approved by the RRTF (in consultation with OMB), the comment period for an economically significant rule will be at least 60 calendar days and for a high-impact rule will be at least 90 calendar days. If a rule is determined to be an economically significant rule or a high-impact rule after the publication of the NPRM, the responsible POC will consider publishing notification in the **Federal Register** informing the public of the change in classification and extending or reopening the comment period by at least 30 calendar days and allowing further public comment as appropriate, including comment on the change in classification.

(c) *Procedures for formal hearings*—(1) *Petitions for hearings.* Following publication of an NPRM for an economically significant rule or a high-impact rule that has not gone through negotiated rulemaking, and before the close of the comment period, any interested party may file in the docket designated for formal hearing petitions a petition asking the Department to hold a formal hearing on the proposed rule in accordance with this paragraph (c).

(2) *Mandatory hearing for high-impact rule.* In the case of a proposed high-impact rule, the Department will grant the petition for a formal hearing if the petition makes a plausible *prima facie* showing that—

(i) The proposed rule depends on conclusions concerning one or more specific scientific, technical, economic, or other complex factual issues that are genuinely in dispute or that may not satisfy the requirements of the Information Quality Act;

(ii) The ordinary public comment process, including any additional procedures such as negotiated rulemaking, is unlikely to provide the POC with an adequate examination of the issues to permit a fully informed judgment on the dispute; and

(iii) The resolution of the disputed factual issues would likely have a material effect on the costs and benefits of the proposed rule or on whether the proposed rule would achieve the statutory purpose.

(3) *Authority to deny hearing for economically significant rule.* In the case of a proposed economically significant rule, the Department may deny a petition for a formal hearing that includes the showing described in paragraph (c)(2) of this section but only if the Department reasonably determines that—

(i) The requested hearing would not advance the consideration of the proposed rule and the responsible POC's ability to make the rulemaking determinations required under this part; or

(ii) The hearing would unreasonably delay completion of the rulemaking in light of a compelling need or a statutory mandate for prompt regulatory action.

(4) *Denial of petition.* If the Department denies a petition for a formal hearing under this section, in whole or in part, the Department will include a detailed explanation of the factual basis for the denial in the rulemaking record, including findings on each of the relevant factors identified in paragraph (c)(2) or (3) of this section, and inform the requester of the decision. The Department will only deny a good faith petition for a formal hearing based on the factors identified in paragraph (c)(2) or (3) of this section.

(5) *Notice and scope of hearing.* If the Department grants a petition, in whole or in part, for a formal hearing under this section, the Department will publish notification of the hearing in the **Federal Register** at least 30 calendar days before the date of the hearing. The notification will specify the proposed rule at issue and the specific factual issues to be considered in the hearing. The scope of the hearing will be limited to the factual issues specified in the notification.

(6) *Hearing process.* A formal hearing for purposes of this section will be conducted using the procedures specified in 34 CFR 81.1 through 81.20. The hearing official may allow for virtual hearings.

(7) *Actions following hearing.* (i) Following completion of the formal hearing process, the responsible POC will consider the record of the hearing and, subject to the approval of the RRTF (in consultation with OMB), make a reasoned determination whether to—

(A) Terminate the rulemaking;

(B) Proceed with the rulemaking as proposed; or

(C) Modify the proposed rule.

(ii) If the decision is made to terminate the rulemaking, the responsible POC will publish notification in the **Federal Register** announcing the decision and explaining the reasons for it.

(iii) If the decision is made to finalize the proposed rule without material modifications, the responsible POC will explain the reasons for its decision and its responses to the hearing record in the preamble to the final rule, in accordance with paragraph (d) of this section.

(iv) If the decision is made to modify the proposed rule in a manner that is not a logical outgrowth of the NPRM, the responsible POC will, subject to the approval of the RRTF (in consultation with OMB), publish a new or supplemental NPRM in the **Federal Register** explaining the POC's responses

to, and analysis of, the hearing record, setting forth the modifications to the proposed rule, and providing an additional reasonable opportunity for public comment on the proposed modified rule.

(8) *Relationship to interagency process.* The formal hearing procedures under this paragraph (c) will not impede or interfere with the OMB interagency review process for the proposed rulemaking.

(d) *Additional requirements for final rules.* (1) In addition to the requirements set forth in § 9.9(j), the preamble to a final economically significant rule or a final high-impact rule will include—

(i) A discussion explaining the POC's reasoned final determination that the rule as adopted is necessary to achieve the objective identified in the NPRM in light of the full administrative record and does not deviate from the metrics previously identified by the POC for measuring progress toward that objective; and

(ii) In accordance with paragraph (c)(7)(iii) of this section, the POC's responses to and analysis of the record of any formal hearing held under paragraph (c) of this section.

(2) Absent exceptional circumstances and unless approved by the Secretary or the Leadership Council (in consultation with OMB), the POC will adopt as a final economically significant rule or final high-impact rule the regulatory alternative that maximizes net benefits and achieves the relevant objectives.

(e) *Additional requirements for retrospective reviews.* For each economically significant rule or high-impact rule, the responsible POC will conduct a retrospective review, and publish a regulatory impact report in the **Federal Register** every 5 years after the effective date of the rule while the rule remains in effect. The regulatory impact report will include, at a minimum—

(1) An assessment of the impacts, including any costs, of the rule on regulated entities;

(2) A determination of how the actual costs and benefits of the rule have varied from those anticipated when the rule was issued; and

(3) An assessment of the effectiveness, benefits, and unintended consequences of the rule in producing the regulatory objectives it was adopted to achieve.

(f) *Waiver and modification.* The procedures required by this section may be waived or modified as necessary with the approval of the RRO or the Secretary.

§ 9.11 Public contacts in informal rulemaking.

(a) *Informal rulemakings conducted in accordance with the APA.* (1) After the issuance of an NPRM and pending completion of the related final rule, Department personnel will not give persons outside the executive branch information regarding the rulemaking that is not generally available to the public.

(2) If, after the close of the comment period for the proposed rule, the Department receives a comment from the public that provides information that was not available prior to the deadline for submitting public comments concerning the proposed rule and that forms the basis of a critical decision in the final rule (such as newly available, reliable studies or data), the Department should reopen the comment period to give the public an opportunity to comment on the newly available information, unless the new information merely reinforces the information from the proposed rule or previously available in the public docket. If the new information is likely to result in a change to the rule that is not a logical outgrowth of the proposed rule, the POC must issue a supplemental NPRM to ensure that the final rule represents a logical outgrowth of the Department's proposal.

(b) *Contacts during OMB review.* (1) Executive Orders 12866 and 13563 describe the procedures for review of significant regulations by OMB, which include a process for members of the public to request meetings with OMB regarding rules under OMB review. In accordance with Executive Order 12866, OMB invites the Department to attend these meetings. DRS will forward these invitations to the appropriate regulatory contacts in the Department.

(2) The responsible POC and DRS will determine who will participate in the meeting. Participation may occur by phone, by videoconference, or in person. These OMB meetings are listening sessions for the Department.

(3) The attending Department personnel should refrain from debating particular points regarding the rulemaking and should avoid disclosing the contents of a document or proposed regulatory action that has not yet been disclosed to the public, but may answer questions of fact regarding a public document.

Subpart C—Guidance Document Procedures

§ 9.12 Policy.

Guidance documents and significant guidance documents do not have the force or effect of law on parties outside the Department, and it is the policy of the Department to disfavor them except in special circumstances.

§ 9.13 Guidance documents.

(a) *Guidance document* means an agency statement of general applicability, intended to have future effect on the behavior of regulated parties, that sets forth a policy on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation. The term is not confined to formal written documents, as guidance may come in a variety of written formats, including letters, memoranda, circulars, bulletins, advisories, electronic announcements, ''Dear Colleague'' letters, and handbooks. Guidance documents do not include the following:

(1) Rules promulgated pursuant to notice and comment under 5 U.S.C. 553 or similar statutory provisions.

(2) Rules exempt from rulemaking requirements under 5 U.S.C. 553(a).

(3) Rules of Department organization, procedure, or practice, provided such rules do not alter substantive obligations for parties outside the Department.

(4) Decisions of Department adjudications under 5 U.S.C. 554 or similar statutory provisions.

(5) Internal guidance directed to the Department or other agencies that is not intended to have substantial future effect on the behavior of regulated parties.

(6) Internal executive branch legal advice or legal opinions addressed to executive branch officials.

(7) Legal briefs, other court filings, or positions taken in litigation or determinations in enforcement actions.

(8) Agency statements that do not set forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statute or regulation, such as those speeches, editorials, media interviews, press materials, or congressional testimonies that do not set forth for the first time a new policy.

(9) Agency statements of specific, rather than general, applicability. This includes responses or information provided by a POC designed to answer specific questions from a grant recipient or other stakeholder; advisory opinions directed to particular parties about circumstance-specific questions; notices regarding particular locations or facilities; and correspondence with individual persons or entities, including congressional correspondence or notices of violation. A document, including correspondence, directed to a particular party that provides an agency interpretation of statutes, regulations, or

guidance or that is designed to guide the conduct of the broader regulated public is guidance.

(10) Grant solicitations and awards, including instructions related to the submission of applications or State Plans for formula and discretionary grant programs and award amendments.

(11) Contract solicitations and awards, contracts, and memoranda of understanding.

(12) Categories of documents that the OMB Administrator (Administrator) identifies as excepted from the requirements of Executive Order 13891.

(13) Documents prepared in connection with or responding to audits or other engagements conducted by the Office of Inspector General (OIG) or the Government Accountability Office (GAO) and to oversight by congressional committees.

(b) Each guidance document will, at a minimum—

(1) Include the term ''guidance'';

(2) Identify that it is issued by the Department or a component of the Department;

(3) Identify the activities and entities to which, and the persons to whom, the document applies;

(4) Include the date of issuance;

(5) Note if it is a revision to a previously issued guidance document and, if so, identify the guidance document that it revises;

(6) Provide the title of the guidance;

(7) Have a unique document identification number;

(8) Include the citation to the statutory provision or regulation to which it applies or that it interprets;

(9) Include a short summary of the subject matter covered in the guidance document at the top of the document as appropriate; and

(10) Include the following disclaimer, prominently displayed: *Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*

(c) All guidance documents require review, clearance, and written authorization by the General Counsel of the Department or his or her designee. To obtain such authorization, the POC must demonstrate the following:

(1) A compelling operational need to issue the guidance document; and

(2) The guidance document complies with OMB's ''Final Bulletin on Agency Good Guidance'' (Jan. 25, 2007) and Executive Order 13891.

(d) The General Counsel will consult with the RRO prior to clearing significant guidance documents.

(e) All active guidance documents will be accessible through the Department's guidance portal. Documents that are not available through this portal are not considered to be in effect (and may only be used for historical purposes).

§ 9.14 Significant guidance documents.

(a) *Significant guidance document* means a guidance document that may reasonably be anticipated to—

(1) Lead to an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel, legal, or policy issues arising out of legal mandates, the President's priorities, or the principles of Executive Order 12866.

(b) Before a POC may proceed to develop a significant guidance document, the POC head must consult with DRS and consider the regulatory philosophy and principles set forth in Executive Order 13891 and the policies set forth in §§ 9.4 and 9.12. If the POC head determines that a significant guidance document is warranted, consistent with those policies and principles, the POC may prepare a Significant Guidance Document Initiation Request to the Working Group of the RRTF.

(c) The Significant Guidance Document Initiation Request should specifically state or describe—

(1) A proposed title for the document;

(2) The need for the document, including a description of the relevant statutes and regulations;

(3) The legal authority for the document;

(4) A description of the economic impact associated with the document;

(5) The tentative target date for completion of the significant guidance document; and

(6) Whether there is a statutory or judicial deadline, or some other urgency, associated with the significant guidance document.

(d) The POC head submits the Significant Guidance Document Initiation Request to the Assistant General Counsel for DRS and the RPO, together with any other documents that may assist in the RRTF's consideration of the request.

(e) DRS includes the Significant Guidance Document Initiation Request on the agenda for consideration at the next RRTF Working Group meeting.

(f) The Working Group forwards the Significant Guidance Document Initiation Request to the Leadership Council and provides the Leadership Council with a recommendation.

(g) The Department will seek significance determinations from OIRA for certain guidance documents, as appropriate, in the same manner as for rulemakings. Prior to publishing these guidance documents, and with sufficient time to allow OIRA to review the document in the event that a significance determination is made, Department should provide OIRA with an opportunity to review the designation request or the guidance document, if requested, to determine if it meets the definition of ''significant'' or ''economically significant'' under Executive Order 13891.

(h) Unless the Department and the Administrator agree that exigency, safety, health, or other compelling cause warrants an exemption from some or all requirements, upon approval of the Leadership Council, the Department will issue the significant guidance document only after completing the following requirements:

(1) A period of public notice and comment of at least 30 calendar days before issuance of the final significant guidance document, and a public response from the Department to significant comments, except when the Department, for good cause, finds (and incorporates such finding and a brief statement of the reasons into the significant guidance document) that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest, according to the same standards applicable to agency rules under 5 U.S.C. 553(b)(B).

(2) Approval by the Secretary and signature by the Secretary or the component head or by an official who is serving in an acting capacity as either of the foregoing before issuance.

(3) Review by OMB under Executive Order 12866.

(4) Compliance with the applicable requirements for regulations or rules, including significant regulatory actions, set forth in Executive Orders 12866, 13563, 13771, and 13777, and any Executive orders that supersede such orders, for such time as they are in effect.

§ 9.15 Request for withdrawal or modification of guidance documents and significant guidance documents.

(a) Members of the public may request the withdrawal or modification of an existing guidance document or significant guidance document in the manner indicated on the Department's guidance portal at *https://www2.ed.gov/policy/gen/guid/types-of-guidance-documents.html.*

(b) The Department will respond to all requests in a timely manner, but no later than 90 calendar days after receipt of the request, to the extent practicable.

§ 9.16 Rescinded significant guidance documents.

(a) To rescind a significant guidance document, the Department will—

(1) In consultation with OIRA, provide a period of public notice and comment of at least 30 calendar days with respect to the rescission, unless the rescission reflects statutory or regulatory changes or some other reason that does not involve an independent exercise of the Department's policy-making discretion;

(2) Submit the proposed rescission to OMB for review; and

(3) Publish a notice in the **Federal Register** announcing the rescission.

(b) The Department and its components may not cite, use, or rely on rescinded guidance documents or rescinded significant guidance documents, except to establish historical facts.

Subpart D—Miscellaneous Provisions

§ 9.17 Policy updates and revisions.

This part will be reviewed periodically to reflect improvements in the rulemaking process or changes in Administration policy. If Congress revises applicable laws or if the executive branch issues new Executive orders, Presidential memoranda, guidance, or implementing instructions governing Federal agency rulemaking, those changes will also be part of this review.

§ 9.18 Disclaimer.

This part is intended to improve the internal management of the Department. It is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States; its agencies or other entities, officers, or employees; or any other person. In addition, this part shall not be construed to create any right to judicial review involving the compliance or noncompliance with this part by the Department, its POCs, its officers or employees, or any other person.

[FR Doc. 2020–20799 Filed 10–1–20; 4:15 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Part 77

RIN 1875–AA16

Definitions and Selection Criteria That Apply to Direct Grant Programs

AGENCY: Department of Education.

ACTION: Final rule; incorporation by reference.

SUMMARY: The Secretary is issuing this rule in order to update the versions of the What Works Clearinghouse Standards Handbook and What Works Clearinghouse Procedures Handbook incorporated by reference into the Department's applicable regulations.

DATES: *Effective date:* These regulations are effective October 5, 2020.

Applicability date: These regulations are applicable for competitions announced on or after October 5, 2020.

Incorporation by reference: The incorporation by reference of the What Works Clearinghouse Standards Handbook, Versions 4.0 and 4.1 and What Works Clearinghouse Procedures Handbook, Versions 4.0 and 4.1 is approved by the Director of the Federal Register as of October 5, 2020. The incorporation by reference of the other material in § 77.1 was approved by the Director of the Federal Register as of July 31, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan Jacobson, U.S. Department of Education, 550 12th Street SW, PCP–4158, Washington, DC 20202–5900. Telephone: (202) 245–7485. Email: *jonathan.jacobson@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Final Regulatory Changes

In these final regulations, we update relevant provisions of the Education Department General Administrative Regulations to include the current versions of the What Works Clearinghouse (WWC) Standards Handbook and What Works Clearinghouse Procedures Handbook (the Handbooks). We also incorporate these Handbooks, which provide a detailed description of the standards and procedures of the WWC, by reference. The Handbooks are available to interested parties at *https://ies.ed.gov/ncee/wwc/Handbooks*. The Version 3.0 Handbook added reviewer guidance not included in the Version 2.1 Handbook, and described procedures for WWC practice guides, single study reviews, and quick reviews. More details are available at *https://ies.ed.gov/ncee/wwc/Docs/referenceresources/wwc_procedures_v3_0_standards_handbook_updates.pdf*. The Version 4.0 Handbooks separated ''procedures'' for reviewing, reporting, and synthesizing study findings from ''standards'' of internal validity. They also removed the ''pilot'' designation from the standards for regression discontinuity designs (RDDs) and updated the WWC's standards for ''fuzzy'' RDDs, complier average causal effects, cluster-level assignment studies, and studies with missing data. More details are available at *https://ies.ed.gov/ncee/wwc/Docs/referenceresources/wwc_handbook_summary_v4.0.pdf*. The Version 4.1 Handbooks removed the ''pilot'' designation from the WWC's standards for single-case designs (SCDs) and added new procedures for estimating design-comparable effect sizes from SCD studies for synthesis with findings from group design studies. These Handbooks also removed the ''substantively important'' designation based on the magnitude of effect size reported in a study and revised WWC procedures for synthesizing findings across studies to use a meta-analytic approach rather than counting studies that found positive effects. More details are available at *https://ies.ed.gov/ncee/wwc/Docs/referenceresources/WWCHandbookSummary-v4-1-508.pdf*.

The WWC is an initiative of the U.S. Department of Education's (the Department's) National Center for Education Evaluation and Regional Assistance, within the Institute of Education Sciences (IES), which was established under the Education Sciences Reform Act of 2002 (Title I of Pub. L. 107–279). The WWC is an important part of the Department's strategy to use rigorous and relevant research, evaluation, and statistics to inform decisions in the field of education. The WWC provides critical assessments of scientific evidence on the effectiveness of education programs, policies, products, and practices (referred to as ''interventions'') and a range of publications and tools summarizing this evidence. The WWC meets the need for credible, succinct information by reviewing research studies; assessing the quality of the

research; summarizing the evidence of the effectiveness of interventions on student outcomes and other outcomes related to education; and disseminating its findings broadly.

In addition, we make other minor, technical updates to 34 CFR 77.1, to correct numbering and cross-references.

34 CFR Part 77

Section 77.1 Definitions That Apply to All Department Programs

Current Regulations: Section 77.1(c) establishes definitions that, unless a statute or regulation provides otherwise, apply to the regulations in title 34 of the Code of Federal Regulations and can be used in Department grant competitions.

Final Regulations and Reasons: We are revising the definitions of ''experimental study,'' ''moderate evidence,'' ''quasi-experimental design study,'' and ''strong evidence'' to refer to Versions 4.0 and 4.1 of the Handbooks, in addition to the current references to Versions 2.1 and 3.0, following the publication of Version 4.0 in October 2017 and Version 4.1 in January 2020. We refer to Versions 2.1, 3.0, 4.0, and 4.1 so that applicants can cite practice guides, intervention reports, and study reviews that the WWC has prepared under those Handbook versions. We also are updating the definition of ''What Works Clearinghouse Handbook (WWC Handbook)'' to be ''What Works Clearinghouse Handbooks (WWC Handbooks)'' and to include Versions 4.0 and 4.1 of the Handbooks.

This update will help ensure that future evidence reviews reflect the most recent standards and procedures used elsewhere by the WWC. Improvements included in the Version 4.0 and Version 4.1 WWC Handbooks are described at *https://ies.ed.gov/ncee/wwc/Docs/referenceresources/wwc_handbook_summary_v4.0.pdf* and *https://ies.ed.gov/ncee/wwc/Docs/referenceresources/WWCHandbookSummary-v4-1-508.pdf*. In addition, this technical update will allow for a sufficient number of certified reviewers to conduct WWC reviews for Department grant competitions, since the WWC offers training and certification in Version 4.1 standards at *https://ies.ed.gov/ncee/wwc/OnlineTraining,* and there are fewer reviewers certified in the older Version 3.0 standards where there is no longer training.

Section 77.2 Incorporation By Reference

Current Regulations: Section 77.2 incorporates Version 2.1 and 3.0 of the What Works Clearinghouse Procedures and Standards Handbook by reference.

Final Regulations and Reasons: For the reasons stated above, we are updating this section to incorporate the WWC Standards Handbook, Versions 4.0 and 4.1 and WWC Procedures Handbook, Versions 4.0 and 4.1 by reference as well.

Waiver of Proposed Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these regulations make technical changes only and do not establish substantive policy. The regulations are therefore exempt from notice and comment rulemaking under 5 U.S.C. 553(b)(3)(B).

The APA also generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). Again, because these final regulations are merely technical, there is good cause to make them effective on the day they are published. However, these technical changes will only apply to competitions announced on or after the date of the publication of this final rule.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget (OMB) must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866 and that imposes total costs greater than zero, it must identify two deregulatory actions. For Fiscal Year 2020, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Because the proposed regulatory action is not significant, the requirements of Executive Order 13771 do not apply. Moreover, even if this were a significant regulatory action, Executive Order 13771 would not apply because it is a ''transfer rule,'' *i.e.,* regulations that cause only income transfers between taxpayers and program beneficiaries, such as those regarding discretionary grant programs.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as

accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final regulations only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on an analysis of anticipated costs and benefits, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

Potential Costs and Benefits

Under Executive Order 12866, we have assessed the potential costs and benefits of this regulatory action and have determined that these regulations would not impose additional costs. We believe any additional costs imposed by these final regulations will be negligible, primarily because they reflect technical changes that do not impose additional burden on those submitting evidence for the Department to assess. Updating definitions in 34 CFR 77.1(c) to allow WWC reviews and reports reviewed under Versions 4.0 or 4.1 standards will expand the body of WWC-reviewed evidence available to inform decision-makers. Evidence previously reviewed and reported by the WWC under Version 2.1 or Version 3.0 standards may still satisfy the requirements of strong or moderate evidence, provided all other aspects of those definitions are addressed. When the Department must review evidence that has not previously been rated by the WWC, using the most up-to-date WWC standards and recently trained and certified WWC reviewers will increase the integrity of the review process. We believe any costs will be significantly outweighed by the potential benefits of making necessary updates and ensuring that regulated parties are aware of and may refer to the current versions of the Handbooks.

Regulatory Flexibility Act Certification

The Regulatory Flexibility Act does not apply to this rulemaking because there is good cause to waive notice and comment under the APA.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Intergovernmental Review

This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

List of Subjects in 34 CFR Part 77

Education, Grant programs-education, Incorporation by reference.

Betsy DeVos,

Secretary of Education.

For the reasons discussed in the preamble, the Secretary amends part 77 of title 34 of the Code of Federal Regulations as follows:

PART 77—DEFINITIONS THAT APPLY TO DEPARTMENT REGULATIONS

■ 1. The authority citation for part 77 continues to read as follows:

Authority: 20 U.S.C. 1221e–3 and 3474, unless otherwise noted.

■ 2. Section 77.1 is amended by:

■ a. In paragraph (b) introductory text, removing the words ''title 34 of the Code of Federal Regulations'' and adding the words ''subtitles A and B of this title'' in their place.

■ b. In paragraph (c):

■ i. In the introductory text, adding the words ''subtitles A and B of'' before the words ''this title''.

■ ii. In the second sentence of the introductory text of the definition of ''Experimental study'', removing the word ''Handbook'' and adding in its place the word ''Handbooks''.

■ iii. In the definition of ''Grant'', redesignating paragraphs (1) through (4) as paragraphs (i) through (iv), respectively.

■ iv. In the definition of ''Local educational agency'', redesignating paragraphs (a) introductory text, (a)(1) and (2), (b), and (c) as paragraphs (i) introductory text, (i)(A) and (B), (ii), and (iii), respectively.

■ v. Revising the definition of ''Moderate evidence''.

■ vi. In the second sentence of the definition of ''Quasi-experimental design study,'' removing the word ''Handbook'' and adding in its place the word ''Handbooks''.

■ vii. In the definition of ''Service function'', redesignating paragraphs (a) introductory text, (a)(1)(i) and (ii), (a)(2), and (b), as paragraphs (i) introductory text, (i)(A)(*1*) and (*2*), (i)(B), and (ii), respectively.

■ viii. Revising the definitions of ''Strong evidence'' and ''What Works Clearinghouse Handbook (WWC Handbook)''.

■ c. Remove the parenthetical authority at the end of the section.

The revisions read as follows:

§ 77.1 Definitions that apply to all Department programs.

* * * * *

(c) * * *

Moderate evidence means that there is evidence of effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations or settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''strong evidence base'' or ''moderate evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''positive effect'' or ''potentially positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study or quasi-experimental design study reviewed and reported by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks, or otherwise assessed by the Department using version 4.1 of the WWC Handbooks, as appropriate, and that—

(A) Meets WWC standards with or without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy the requirement in this paragraph (iii)(D).

* * * * *

Strong evidence means that there is evidence of the effectiveness of a key project component in improving a relevant outcome for a sample that overlaps with the populations and settings proposed to receive that component, based on a relevant finding from one of the following:

(i) A practice guide prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''strong evidence base'' for the corresponding practice guide recommendation;

(ii) An intervention report prepared by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks reporting a ''positive effect'' on a relevant outcome based on a ''medium to large'' extent of evidence, with no reporting of a ''negative effect'' or ''potentially negative effect'' on a relevant outcome; or

(iii) A single experimental study reviewed and reported by the WWC using version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks, or otherwise assessed by the Department using version 4.1 of the WWC Handbooks, as appropriate, and that—

(A) Meets WWC standards without reservations;

(B) Includes at least one statistically significant and positive (*i.e.,* favorable) effect on a relevant outcome;

(C) Includes no overriding statistically significant and negative effects on relevant outcomes reported in the study or in a corresponding WWC intervention report prepared under version 2.1, 3.0, 4.0, or 4.1 of the WWC Handbooks; and

(D) Is based on a sample from more than one site (*e.g.,* State, county, city, school district, or postsecondary campus) and includes at least 350 students or other individuals across sites. Multiple studies of the same project component that each meet requirements in paragraphs (iii)(A), (B), and (C) of this definition may together satisfy the requirement in this paragraph (iii)(D).

* * * * *

What Works Clearinghouse (WWC) Handbooks (WWC Handbooks) means the standards and procedures set forth in the WWC Standards Handbook, Versions 4.0 or 4.1, and WWC Procedures Handbook, Versions 4.0 or 4.1, or in the WWC Procedures and Standards Handbook, Version 3.0 or Version 2.1 (all incorporated by reference, see § 77.2). Study findings eligible for review under WWC standards can meet WWC standards without reservations, meet WWC standards with reservations, or not meet WWC standards. WWC practice guides and intervention reports include findings from systematic reviews of evidence as described in the WWC Handbooks documentation.

* * * * *

■ 3. Section 77.2 is amended by:

■ a. In paragraph (a):

■ i. In the second sentence, removing the word ''below'' and adding the words ''in paragraph (b) of this section'' in its place; and

■ ii. Revising the last sentence of the paragraph; and

■ b. Revising paragraph (b).

The revisions read as follows:

§ 77.2 Incorporation by Reference.

(a) * * * For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) Institute of Education Sciences, 550 12th Street SW, Washington, DC 20202, (202) 245–6940, *http://ies.ed.gov/ncee/wwc/Handbooks.*

(1) What Works Clearinghouse Standards Handbook, Version 4.1, January 2020, IBR approved for § 77.1.

(2) What Works Clearinghouse Procedures Handbook, Version 4.1, January 2020, IBR approved for § 77.1.

(3) What Works Clearinghouse Standards Handbook, Version 4.0, October 2017, IBR approved for § 77.1.

(4) What Works Clearinghouse Procedures Handbook, Version 4.0, October 2017, IBR approved for § 77.1.

(5) What Works Clearinghouse Procedures and Standards Handbook, Version 3.0, March 2014, IBR approved for § 77.1.

(6) What Works Clearinghouse Procedures and Standards Handbook, Version 2.1, September 2011, IBR approved for § 77.1.

[FR Doc. 2020–21745 Filed 10–2–20; 8:45 am]

BILLING CODE 4000–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 515, 538, and 552

[GSAR Case 2020–G536; Docket No. GSA–GSAR–2020–0016; Sequence No. 1]

General Services Administration Acquisition Regulation; Clause Number Corrections

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is issuing a technical amendment to the General Services Administration Acquisition Regulation (GSAR). This technical amendment updates the GSAR and the Code of Federal Regulations (CFR) to reflect changes to clause renumbering that were erroneously omitted from GSAR Case 2013–G502, Federal Supply Schedule Contracting (Administrative Changes), which was published in the **Federal Register**.

DATES: *Effective:* November 4, 2020.

FOR FURTHER INFORMATION CONTACT: Mr. Alexander Beyrent, GSA Acquisition Policy Division, at *gsarpolicy@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR Case 2020–G536.

SUPPLEMENTARY INFORMATION:

I. Background

This is a technical amendment to the General Services Administration Acquisition Regulation (GSAR). As part of GSA's regulatory reform efforts, GSA has been performing a comprehensive review of the requirements in the GSAR and has identified several instances where clause numbers need to be amended.

II. Authority for This Rulemaking

Title 40 of the United States Code (U.S.C.) Section 121 authorizes GSA to issue regulations, including the GSAR, to control the relationship between GSA and contractors.

III. Discussion and Analysis

Clause numbers are amended within the following GSAR sections: 515.408 Solicitation provisions and contract clauses; 538.272 MAS price reductions;

552.238–74 Introduction of New Supplies/Services (INSS). GSA intended to change these clause numbers with the publication of GSAR Case 2013–G502; Federal Supply Schedule Contracting (Administrative Changes). However, GSAR Case 2013–G502 added several GSAR clauses and rearranged many others. As a result, there are some instances in the GSAR where clauses have correct titles, but their numbers have not been updated as intended. This technical amendment will update those clause numbers as originally intended.

List of Subjects in 48 CFR Parts 515, 538, and 552

Government procurement.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Governmentwide Policy, General Services Administration.

Therefore, GSA amends 48 CFR parts 515, 538, and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 515, 538, and 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 515—CONTRACTING BY NEGOTIATION

515.408 [Amended]

■ 2. Amend section 515.408 by removing from paragraph (e)(1) ''552.238–81'' and adding ''552.238–82'' in its place.

PART 538—FEDERAL SUPPLY SCHEDULE CONTRACTING

538.272 [Amended]

■ 3. Amend section 538.272 by removing from paragraph (c) ''552.238–75'' and adding ''552.238–81'' in its place.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.238–74 [Amended]

■ 4. Amend section 552.238–74 by—

■ a. Removing from paragraph (b) ''identify'' and adding ''identifying'' in its place; and

■ b. Removing from paragraph (d) ''552.238–81'' and adding ''552.238–82'' in its place.

[FR Doc. 2020–19265 Filed 10–2–20; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 200623–0167; RTID 0648–XA513]

Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfers From ME to RI and NJ to NC

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification; quota transfers.

SUMMARY: NMFS announces that the states of Maine and New Jersey are transferring a portion of their 2020 commercial bluefish quota to the states of Rhode Island and North Carolina, respectively. These quota adjustments are necessary to comply with the Atlantic Bluefish Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial bluefish quotas for Maine, Rhode Island, New Jersey, and North Carolina.

DATES: Effective October 2, 2020, through December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, (978) 281–9225.

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic bluefish fishery are found in 50 CFR 648.160 through 648.167. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.162, and the final 2020 allocations were published on June 29, 2020 (85 FR 38794).

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan (FMP) published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can request approval to transfer or combine bluefish commercial quota under § 648.162(e)(1)(i) through (iii). The Regional Administrator must approve any such transfer based on the criteria in § 648.162(e). In evaluating requests to transfer a quota or combine quotas, the Regional Administrator shall consider whether: The transfer or combinations would preclude the overall annual quota from being fully harvested; the transfer addresses an unforeseen variation or contingency in the fishery; and the transfer is consistent with the objectives of the FMP and the Magnuson-Stevens Act.

Maine is transferring 15,000 lb (6,804 kg) of bluefish commercial quota to Rhode Island and New Jersey is transferring 50,000 lb (22,680 kg) to North Carolina through mutual agreement of the states. These transfers were requested to ensure that Rhode Island and North Carolina would not exceed their 2020 state quotas. The revised bluefish quotas for 2020 are: Maine, 3,496 lb (1,586 kg); Rhode Island, 298,366 lb (135,337 kg); New Jersey, 264,934 lb (120,172 kg); and, North Carolina, 937,058 lb (425,042 kg).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 648.162(e)(1)(i) through (iii), which was issued pursuant to section 304(b), and is exempted from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2020.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–21988 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 200221–0062; RTID 0648–XA344]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of Pacific cod by catcher/processors using trawl gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2020 total allowable catch of Pacific cod allocated to catcher/processors

using trawl gear in the Central Regulatory Area of the GOA has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 1, 2020, through 2400 hours, A.l.t., December 31, 2020.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2020 total allowable catch (TAC) of Pacific cod allocated to catcher/processors using trawl gear in the Central Regulatory Area of the GOA is 158 metric tons (mt) as established by the final 2020 and 2021 harvest specifications for groundfish of the GOA (85 FR 13802, March 10, 2020).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2020 TAC of Pacific cod allocated to catcher/processors using trawl gear in the Central Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that Pacific cod caught by catcher/processors using trawl gear in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(a)(2).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting the retention of Pacific cod by catcher/processors using trawl gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 29, 2020.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 30, 2020.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–21977 Filed 9–30–20; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 85, No. 193
Monday, October 5, 2020

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 983

[Doc. No. AMS–SC–20–0069; SC20–983–2 PR]

Pistachios Grown in California, Arizona, and New Mexico; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Administrative Committee for Pistachios (Committee) to increase the assessment rate established for the 2020–21 and subsequent production years. The proposed assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by November 19, 2020.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *https://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *https://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Peter Sommers, Marketing Specialist, or Terry Vawter, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559)538–1670 or Email: *PeterR.Sommers@usda.gov* or *Terry.Vawter@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202)720–8938, or Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement and Order No. 983, as amended (7 CFR part 983), regulating the handling of pistachios grown in California, Arizona, and New Mexico. Part 983 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers of pistachios operating within the production area, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This proposed rule falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, pistachio handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate would be applicable to all assessable pistachios for the 2020–21 production year and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of the entry of the ruling.

This proposed rule would increase the assessment rate from $0.00010 per pound of assessed weight pistachios, the rate that was established for the 2017–18 and subsequent production years, to $0.00015 per pound of assessed weight pistachios for the 2020–21 and subsequent production years.

The Order authorizes the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members are familiar with the Committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2017–18 and subsequent production years, the Committee recommended, and USDA approved, an assessment rate of $0.00010 per pound of assessed weight pistachios. That assessment rate continues in effect from production year to production year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on July 14, 2020, and unanimously recommended expenditures of $679,800 and an assessment rate of $0.00015 per pound of assessed weight pistachios handled for the 2020–21 and subsequent production years. In comparison, last year's budgeted expenditures were $677,100. The proposed assessment rate of $0.00015 is $0.00005 higher than the rate currently in effect. The Committee recommended increasing the assessment rate to provide adequate income, along with California Pistachio Research Board (CPRB) management income and reserve funds, to cover all of the Committee's budgeted expenses for the 2020–21 production year. Funds in the reserve are expected to be approximately $197,585 at the end of the 2020–21 production year, which is within the Order's requirement of carry-over no more than approximately two production years' budgeted expenses.

The major expenditures recommended by the Committee for the 2020–21 production year include $74,800 for various administrative expenses, $10,000 for compliance expenses, $346,500 for salaries and related employee expenses, $125,000 for research, and $80,000 for a contingency fund. Budgeted expenses for these items for the 2019–20 production year were $48,900 for various administrative expenses, $10,000 for compliance expenses, $336,500 for salaries and related employee expenses, $125,000 for research, and $80,000 for a contingency fund.

The Committee derived the recommended assessment rate by considering anticipated expenses, an estimated crop of 950 million pounds of assessed weight pistachios, and the amount of funds available in the authorized reserve. Income derived from handler assessments, calculated at $142,500 (950,000,000 pounds assessed weight pistachios multiplied by $0.00015 assessment rate), along with CPRB management income ($175,200), and funds from the Committee's authorized reserve ($559,685), would be adequate to cover budgeted expenses of $679,800. Funds in the reserve are estimated to be $197,585 at the end of the 2020–21 production year ($142,500 plus $175,200 plus $559,685 minus $679,800 equals $197,585).

The assessment rate proposed in this rule would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee will continue to meet prior to or during each production year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2020–21 production year budget, and those for subsequent production years, would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 21 handlers subject to the regulation under the Order, and approximately 1,501 producers of pistachios in the production area. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $1,000,000, and small agricultural service firms have been defined as those whose annual receipts are less than $30,000,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service (NASS), the national average producer price for pistachios for the 2018 production year was $2.65 per pound. Committee data indicates 2018–19 pistachio total production was 746,858,150 pounds. The total 2018 value of the pistachio crop was $1,979,174,098 (746,858,150 pounds times $2.65 per pound equals $1,979,174,098). Dividing the crop value by the estimated number of producers (1,501) yields an estimated average receipt per producer of $1,318,570 which is above the SBA threshold for small producers.

According to USDA Market News data, the reported terminal price for 2018 for pistachios ranged between $155.00 to $165.00 per 25-pound carton. The average of this range is $160.00 ($155.00 plus $165.00 divided by 2 equals $160.00). Dividing the average value by the 25-pound carton yields an estimated average price per pound of $6.40 ($160.00 average value for 25-pound carton divided by 25). Multiplying the 2018–19 pistachio total production of 746,858,150 pounds by the estimated average price per pound of $6.40 equals $4,779,892,160.

Dividing this figure by 21 regulated handlers yields estimated average annual handler receipts of $227,613,912, which is above the SBA threshold for small agricultural service firms. Therefore, using the above data, and assuming a normal distribution, the majority of producers and handlers of pistachios may be classified as large entities.

The proposed assessment rate of $0.00015 that the committee approved complies with section 983.71(b) of the Order which states that any proposed assessment rate must not exceed one-half of one percent of the average price received by producers in the preceding production year. The average price received by producers in the preceding production year was $2.65 per pound of pistachios. Thus, $2.65 times 0.5 percent equals $0.01325, which is greater than the assessment rate increase of $0.00015.

This proposal would increase the assessment rate collected from handlers for the 2020–21 and subsequent production years from $0.00010 to $0.00015 per pound assessed weight pistachios. The Committee unanimously recommended 2020–21 expenditures of $679,800 and an assessment rate of $0.00015 per pound assessed weight pistachios. The proposed assessment rate of $0.00015 per pound assessed weight pistachios is $0.00005 higher than the current rate. The volume of assessable pistachios for the 2020–21 production year is estimated to be 950 million pounds. Thus, the $0.00015 per pound assessed weight pistachios should provide $142,500 in assessment income (950,000,000 multiplied by $0.00015). Income derived from handler assessments, along with CPRB management income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses for the 2020–21 production year.

The major expenditures recommended by the Committee for the 2020–21 production year include $74,800 for various administrative expenses, $10,000 for compliance

expenses, $346,500 for salaries and related employee expenses, $125,000 for research, and $80,000 for a contingency fund. Budgeted expenses for these items in the 2019–20 production year were $48,900, $10,000, $336,500, $125,000, and $80,000 respectively.

In recent years, the Committee has utilized reserve funds to partially fund its budgeted expenditures. The Committee recommended increasing the assessment rate to provide adequate income to cover the Committee's budgeted expenses for the 2020–21 production year while maintaining its financial reserve. This action would maintain the Committee's reserve balance at a level that the Committee believes is appropriate and meets the requirements of the Order.

Prior to arriving at this budget and assessment rate recommendation, the Committee discussed various alternatives, including maintaining the current assessment rate of $0.00010 per pound assessed weight pistachios, and increasing the assessment rate by a different amount. However, the Committee determined that the recommended assessment rate would fully fund budgeted expenses and avoid drawing down reserves at an unsustainable rate.

This proposed rule would increase the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the Order.

The Committee's meeting was widely publicized throughout the pistachio industry. All interested persons were invited to attend the meeting and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the July 14, 2020, meeting was a public meeting, and all entities, both large and small, were able to express views on this issue. Interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the OMB and assigned OMB No. 0581–0215, Pistachios Grown in California, Arizona, and New Mexico. No changes in those requirements would be necessary as a result of this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large pistachio handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 45-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 983

Marketing agreements, Pistachios, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 983 as follows:

PART 983—PISTACHIOS GROWN IN CALIFORNIA, ARIZONA, AND NEW MEXICO

■ 1. The authority citation for 7 CFR part 983 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 983.253 is revised to read as follows:

§ 983.253 Assessment rate.

On and after September 1, 2020, an assessment rate of $0.00015 per pound is established for California, Arizona, and New Mexico pistachios.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–21687 Filed 10–2–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Document No. AMS–LP–19–0093]

RIN 0581–AC06

Lamb Promotion, Research, and Information Order; Activity Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: AMS solicits comments on proposed amendments to the Lamb Promotion, Research, and Information Order (Order). These amendments would require market agencies (*e.g.* commission merchant, auction market, livestock market) in the business of receiving lambs to collect and remit on behalf of the producer, feeder, or seedstock producer, the ''live-weight'' assessment on ovine animals sold and the ''price-per-head'' assessment owed by the first handler when lambs are sold through these channels. Market agencies would remit the full assessment to the American Lamb Board (Board) when ovine animals are sold. This proposed rule would also make technical amendments to the Order, correcting references to assessment rates that were inadvertently not updated during the previous amendment to the Order.

DATES: Comments must be received by December 4, 2020. Pursuant to the Paperwork Reduction Act, comments on the information collection burden must be received by December 4, 2020.

ADDRESSES: Comments should be posted online at *www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS–LP–19–0093, the date of submission, and the page number of this issue of the **Federal Register**. Comments may also be sent to Jason Julian, Agricultural Marketing Specialist; Research and Promotion Division; Livestock and Poultry Program, AMS, USDA; Room 2610–S, STOP 0251, 1400 Independence Avenue SW, Washington, DC 20250–0251; or via fax to (202) 720–1125. Comments will be made available for public inspection at the above address during regular business hours or via the internet at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jason Julian, Agricultural Marketing Specialist, Research and Promotion Division, Livestock and Poultry Program, AMS, USDA; telephone: (202)

731–2149; fax: (202) 720–1125; or email: *jason.julian@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background and Proposed Action

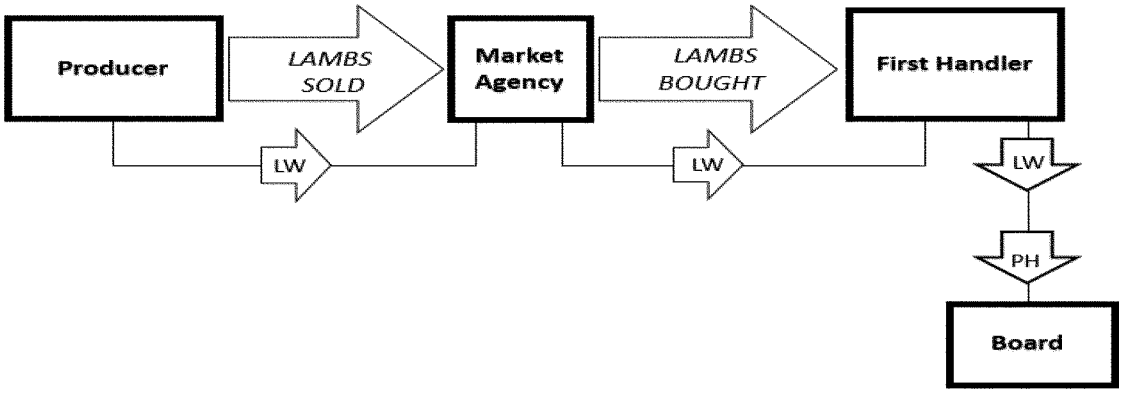
Under the Order, which became effective April 11, 2002, the Board administers a nationally coordinated program of research, development, advertising, and promotion activities designed to strengthen the position of, and to develop and expand the markets for, ovine animals and ovine products. The program is financed by producers, feeders, and seedstock producers (*i.e.,* producers) who pay an assessment of seven-tenths of a cent ($0.007) per pound on all live lambs sold. Additionally, first handlers, primarily packers, pay $0.42 per head on ovine animals purchased for slaughter. No rate changes are being proposed.

The Order currently mandates that assessments be collected from producers for the sale of live lambs, and that the assessment be forwarded to the subsequent purchaser(s) until remitted by a first handler or exporter. That first handler is responsible for submitting both the producer's assessment and the first handler's assessment and report to the Board. The collection process is known as a ''pass-through'' assessment. Since the initial Order was established, industry markets have evolved; non-traditional first handlers, such as ethnic processors (butcher shops) and farmer's market processors now participate to a larger degree in the purchasing and processing of lamb and lamb products. However, based on information about lamb sales from market agencies, the Board believes many non-traditional first handlers are not remitting assessments, as required by the Order. The Board, in turn, is not capturing all assessments paid by producers and feeders. Over the years, Board staff has worked to collect the owed lamb assessments from the non-traditional buyers, with limited success.

On January 23, 2019, the Board approved a motion to request the Secretary of Agriculture (Secretary) amend the assessment collection procedures and update corresponding sections of the Order. Proposed revisions to the assessment collection procedures would require market agencies to collect the full assessment, including the first handler assessment portion, for remittance to the Board. The assessment collection change would only impact lambs sold through market agencies. Other modes of sale, such as traditional markets (*e.g.,* first handler purchases from a producer or feeder, independent of a market agency) would continue to use the pass-through collection process. *Examples 1* and *2* below show the current assessment collection processes:

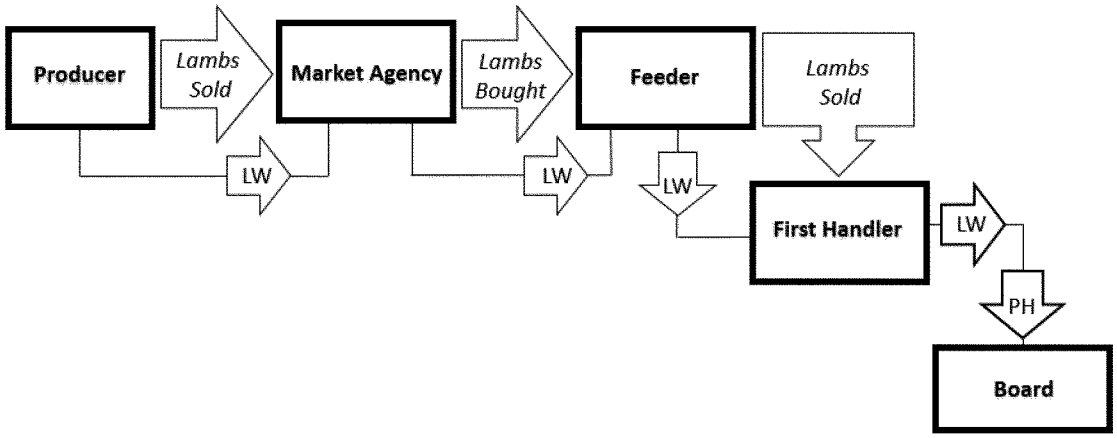
Example 1—Existing Procedures—Producer sells lambs at market agency to a first handler: The producer pays the assessment to the market agency who passes the assessment through to the first handler. The first handler remits the live-weight (LW) and price-per-head (PH) assessments to the Board along with a Remittance Report form. This example is depicted in Figure 1. This procedure would stay the same under the proposed rule.

Figure 1.



Example 2—Existing Procedures—Producer sells lambs at market agency to a feeder. At a later date, the feeder sells the same lambs to a first handler (via traditional sales/non-market agency): The producer pays the live-weight assessment (LW) to the market agency, who passes the assessment through to the feeder. At a later date, the feeder sells the same lambs to a first handler, where the LW assessment passes-through to the first handler, who remits the LW assessment and the PH assessment to the Board. This example is depicted in Figure 2.

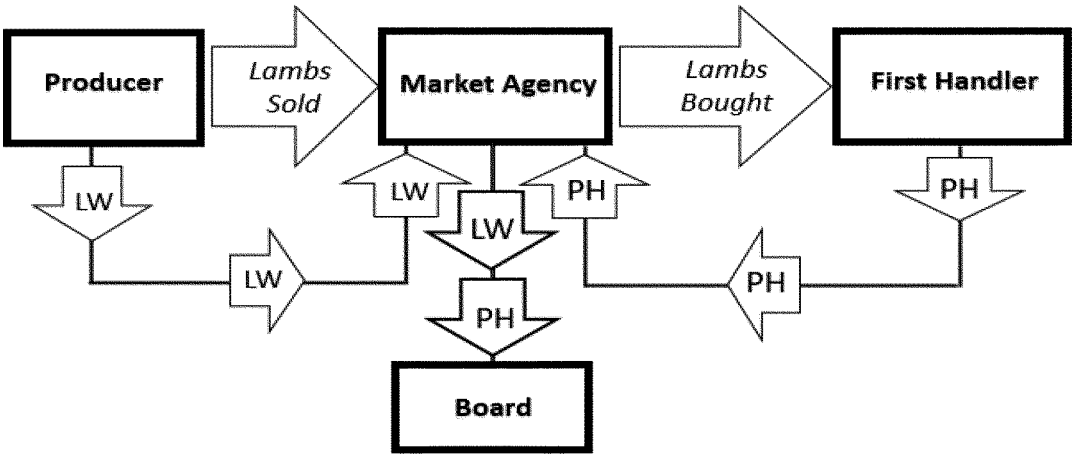
Figure 2.



Under the proposed rule, existing procedures in *Example 1* above would stay the same and existing procedures in *Example 2* above, would be replaced as shown in the following three scenarios.

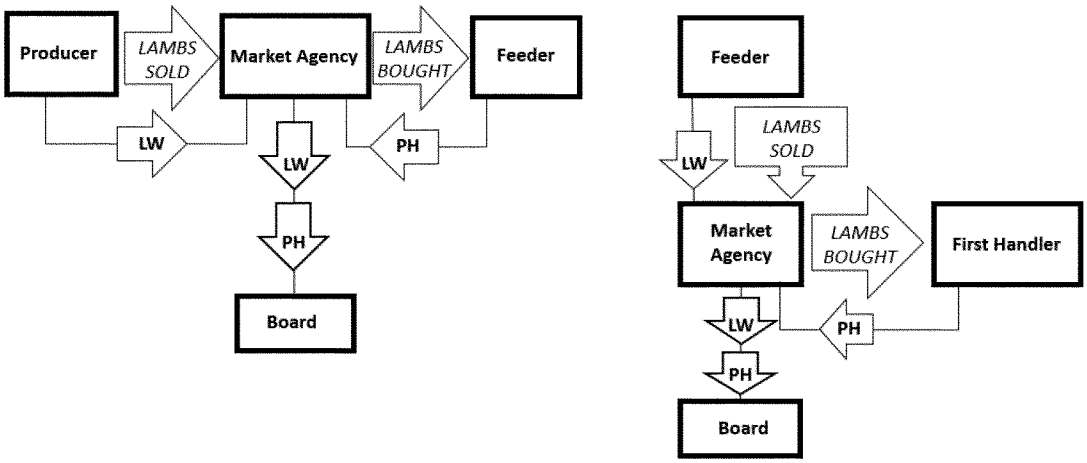
Example 3—Proposed Procedure—Producer sells lambs at market agency to first handler: Under the proposed rule, the market agency would collect the LW assessment from the producer and the PH assessment from the first handler and would remit both assessments to the Board. This example is depicted in Figure 3.

Figure 3.



Example 4—Proposed Procedure—Producer sells lambs at market agency to a feeder. At a later date, the feeder brings the same lambs to a market agency to sell to a first handler: The producer pays the LW assessment to the market agency. The feeder pays the PH assessment to the market agency, which would remit both assessments to the Board (LW and PH). At a later date, when the feeder sells the same lambs at market agency, the feeder pays the LW assessment to the market agency, and the first handler pays the PH assessment to the market agency, which would remit both assessments to the Board (LW and PH). Since the feeder was initially charged the PH assessment (first handler's assessment) and then paid the total LW assessment (lambs sold at market agency to the first handler), the feeder would be eligible for a refund on the original PH assessment (initial first handler's assessment) and the difference between the total LW assessment and the producer's LW assessment. If the feeder were to exercise this option to recoup the two assessments, the feeder would fill out the Lamb Assessment Refund form (LP–85) and file with the Board to receive a refund. This example is depicted in Figure 4.

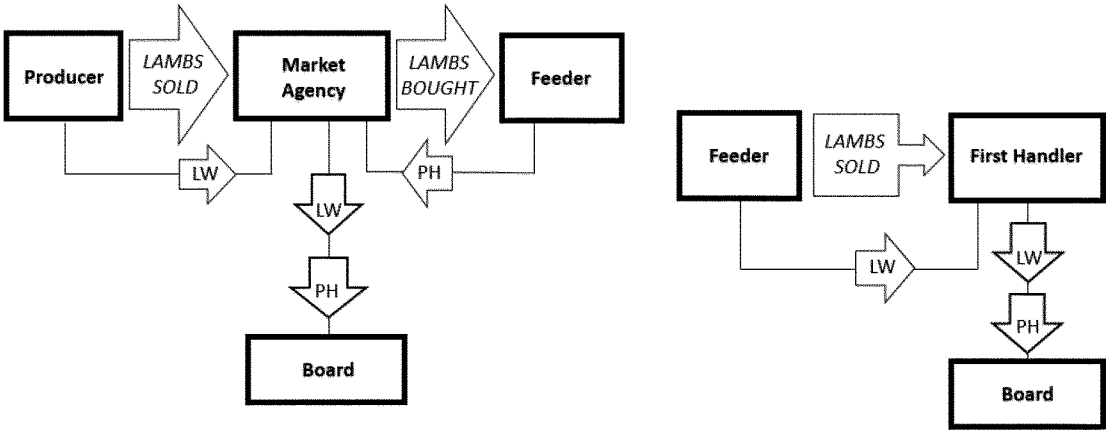
Figure 4.



• *Example 5—Proposed Procedure—Producer sells lambs at an auction market to a feeder. At a later date, the feeder sells the lambs to a first handler (via traditional market/non-auction market sale):* The producer would pass-through the

Example 5—Proposed Procedure—Producer sells lambs at a market agency to a feeder. At a later date, the feeder sells the lambs to a first handler (via traditional market/non-market agency sale): The producer pays the LW assessment to the market agency. Additionally, the feeder pays the PH assessment to the market agency, which would remit both assessments to the Board (LW and PH). At a later date, when the feeder sells the lambs to a first handler (via traditional market/non-market agency sale), the feeder would pay the LW assessment to the first handler, who would remit the LW assessment and the PH assessment to the Board. The feeder would be eligible for refunds on the original PH assessment paid (first handler assessment) and the difference between the total LW assessment and the producer's original LW assessment. If the feeder were to exercise this option to recoup the two assessments, the feeder would fill out the Lamb Assessment Refund form (LP–85) and file with the Board to receive a refund. This example is depicted in Figure 5.

Figure 5.



The amended collection process is estimated to generate approximately $500,000 in new revenue, approximately 20 percent of the Board's annual budget, based on 2019 production levels. The Board's budget is based on the amount of assessments collected on an annual basis, voluntary contributions, and revenue derived from the investment of funds.

This proposed rule would also add a definition for *market agency.* Technical corrections to the regulations would remove references to obsolete assessment rates. Finally, references to Order administration prior to appointment of the Board would be removed.

The Act provides for the creation of, and amendments to, the Order. The Order provides in § 1280.210 that the Board shall have the powers and duties to recommend to the Secretary such amendments to the Order as the Board considers appropriate.

Proposed Revisions

The proposed rule would amend § 1280.101 to consolidate definitions listed in § 1280.101 through § 1280.129

and propose a definition for *market agency.* Sections 1280.102 through 1280.129 would be removed. This change would alphabetize and consolidate the definitions into one section, simplifying any future revisions to the definitions.

The proposed rule would amend § 1280.217(a) to reflect the current assessment rate of seven-tenths of a cent ($.007) per pound of live lambs sold. This would correct the reference to an obsolete assessment rate. The proposed rule would also incorporate the last three sentences from current § 1280.217(e) into § 1280.217(a), maintaining the right of the Board to raise or lower the assessment rate. Section 1280.217(e) would be removed.

The proposed rule would amend § 1280.217(c) to reflect the current first handler assessment rate and make a conforming change to reflect the elimination of § 1280.217(e). Additionally, a reference in § 1280.217(c) to the assessment rate in § 1280.217(e) would be revised to reference the assessment rate in corrected § 1280.217(a).

The proposed rule would amend section § 1280.217(d) to require market agencies to collect and remit the producer, seedstock producer, feeder, or first handler assessments to the Board. Additionally, § 1280.217(d), would provide that lamb feeder farms who pay assessments twice may request a refund by completing the Lamb Assessment Refund Form (Form LP–85) and submitting it to the Board. The proposed rule would remove § 1280.217(g), as it is no longer applicable, and make conforming changes. Additionally, the proposed rule would redesignate § 1280.217(f) as § 1280.217(e); and § 1280.217(h) as § 1280.217(f).

The proposed rule would amend § 1280.218 to reference the assessment rate established in § 1280.217(a). The proposed rule would amend § 1280.218 to change assessment due dates from time of export to the 15th day of the month following the month in which the lambs were purchased for slaughter and export or live export. This aligns with the current process for the collection of assessments listed in § 1280.220.

The proposed rule would amend § 1280.220(a) to provide that market agencies, as well as first handlers and exporters, are responsible for collecting and remitting assessments to the Board.

The proposed rule would make a conforming change to § 1280.402(b) to require market agencies to collect and remit assessments to the Board, to reflect the revision in § 1280.217(d).

The proposed rule would amend § 1280.402(e)(1) by removing, ''. . . if a first handler markets lambs or lamb products directly to consumers, in order to avoid late payment charges.'' This phrase, which is not applicable here, was placed in this section inadvertently and should be removed.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the E.O. of January 30, 2017, titled Reducing Regulation and Controlling Regulatory Costs'' (February 2, 2017).

Executive Order 12988

This proposal has been reviewed under E.O. 12988, Civil Justice Reform. It is not intended to have a retroactive effect. Section 524 of the Commodity, Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Executive Order 13175

This action has been reviewed in accordance with the requirements of E.O. 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments or significant Tribal implications.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

Initial Regulatory Flexibility Act Analysis

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), AMS has performed an initial RFA regarding the impact of the proposed rule on small entities. The purpose of RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly burdened.

Due to a lack of resources and the time it would take to determine assessment compliance, the Board recommended a change to the collection and remittance process for market agencies. If the proposed rule is implemented, the Board would reduce staff travel expenses and time spent performing onsite audits to determine assessment compliance. The proposal could increase the Board's revenue by approximately $500,000 per fiscal year, or 20 percent of the Board's annual revenue (based on 2019 budgetary numbers).

The proposed rule would not increase the assessment rates under the Order. No new economic burden would be placed on producers, feeders, seedstock producers, or first handlers for sales that take place outside of market agencies, as that process for paying assessments would not change.

The proposed rule would require market agencies to report and collect

assessments from producers, feeders, seedstock producers, and first handlers and remit to the Board. When a sale takes place at a market agency, no new burden would be placed on producers or seedstock producers, regardless of size, as they would continue to pay their assessments to the market agency. No new burden would be placed on first handlers of any size as they would remit assessments to the market agency instead of the Board. The proposed rule would place a burden on feeder farms who pay assessments twice and would have to seek reimbursement for two assessments paid for the same lambs by filling out a Lamb Assessment Refund form.

The North American Industry Classification System (NAICS) code for sheep farms is 112410. The Small Business Association (SBA) size classification for this industry limits the number of employees for a small business to 100 people. Based on industry response, almost all lamb farms employ fewer than 100 people; in fact, almost all lamb farms employ less than 15 people. The vast majority of lamb farms are considered small businesses.

According to the 2017 Census of Agriculture (AC–17–A–51), there were 60,675 farms that sold sheep and lambs. This number includes sheep and lambs raised for dairy, wool and meat. This proposed rule focuses only on those lambs raised for meat. The census does not break down the data to the level of lamb feeder farms. Therefore, AMS has worked with industry stakeholders to understand the makeup of the industry. According to lamb industry estimates, of those 60,675 farms, 500 farms are considered feeder farms that raise lambs for meat. Additionally, the lamb industry estimates that of those 500 feeder farms, approximately 10 percent, or 50 of those feeder farms, could potentially purchase/sell their lambs at market agencies. The remainder of the feeder farms sell lambs directly to a first handler. Therefore, the number of feeder farms that raise lambs for meat that would be financially impacted by the proposal would not be considered substantial.

Under the proposed rule, a lamb feeder farm could potentially pay assessments twice in scenarios 4 and 5 described above and would be required to fill out a refund form after selling the lambs through a market agency to recoup the twice-paid assessment. This paperwork burden is described in detail in the Paperwork Reduction Act section of this proposed rule. AMS seeks comments on whether the limited data available is representative of industry lamb numbers and what alternative data sources, if any, are available to further refine this analysis.

The proposed rule would place a new burden on market agencies to collect and remit assessments for the sale of lambs. The North American Industry Classification System (NAICS) code for marketing agencies is 424520. Firms in the 424-sector classification are defined as large or small depending on the number of employees rather than sales values. The Small Business Association (SBA) size classification for this industry, limits the number of employees for a small business to 100.

Data on employee numbers for this industry is available from the U.S. Department of Commerce, Census Bureau. The most recent available data to determine the size of firms in the industry is from the 2012 Economic Census. According to the data, the vast majority of the firms (666 of 668 total firms) are small businesses. According to industry, of the 666 existing firms, approximately 300 market agencies that sell lambs would be impacted by this proposed rule. Currently, 50 full-time market agencies are voluntarily collecting and remitting producer assessments to the Board; however, they are not collecting and remitting first handler assessments. Additionally, 250 seasonal market agencies are not collecting and remitting either of the assessments to the Board.

The Board provided AMS an estimate that all 50 full-time market agencies currently utilize computer software in their information collection and billing processes. Therefore, implementation costs would consist of upgrades to each respondent's existing computer software system and hands-on training to amend the collection and remittance process, at an estimated cost of $500.00 per respondent. Additionally, the Board has provided an estimate to AMS that a large majority of the 250 seasonal market agencies currently perform their information collection and billing process utilizing computer software programs. Due to seasonal sales and low sheep volume sales per respondent, AMS anticipates that the seasonal markets would be able to utilize existing computer software systems or existing hard-copy tracking procedures for the new collection and remittance process. If this proposed rule is implemented, the Board would perform educational outreach to the seasonal market agencies to educate them on the new collection and remittance process. The outreach efforts would consist of mailed educational materials and training webinars to limit the burden on auction managers to train personnel, which is estimated will cost $5.00 per respondent. Once the computer software is installed and the outreach efforts have been completed, the physical submission of the assessments to the Board would be the only burden on market agencies, which would be considered a minor burden. AMS has considered the economic effect of this action on small entities and has determined that this proposed rule, while imposing new administrative burdens on market agencies and some feeder farms would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The information collection and recordkeeping requirements that are imposed by the Order has been approved previously under OMB control number 0581–0093. In accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. Chapter 35, subchapter I).

The existing form (LP–81) would be amended to require data for the total lambs sold/slaughtered, to effectively carry out the requirements of the program, and its use is necessary to fulfill the intent of the Act. The Board would supply such information for data processing software and/or technical expertise to train market agency staff on how to complete the information collection and remittance process. The lamb information collection and remittance form would be simple, easy to understand, and would place as small a burden as possible on the person required to file the information.

The timing and frequency of collecting the proposed information are intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports. In addition, the information that would be included on this form is not available from other sources because such information relates specifically to individual market agencies who are reporting information subject to the provisions of the Act. There is no practical method for collecting the required information without the use of these forms.

Information collection requirements that are in this proposal include:

Title: LP–81—Lamb Promotion, Research, and Information Board Remittance Report form.

OMB Number: 0581–0093.

Type of Request: Amended collection.

Abstract: The information collection requirements are essential to carry out this rule.

The Order authorizes the collection of assessments from lamb producers, feeders, seedstock producers, and first

handlers. Under this proposed rule, market agencies would be required to collect and remit assessments, while the collection and remittance process would remain unchanged for sales independent of market agencies. This proposal would require assessment-related records, including the Remittance Report form, be retained for at least 2 years beyond the fiscal year of their applicability. This is consistent with the current recordkeeping requirements of the program. Two-hundred fifty of the 300 market agency respondents operate on a seasonal basis. It is estimated that these market agencies would complete three responses per respondent, as assessments are submitted monthly and a typical season consists of 3 months. The additional 50 market agency respondents operate on a full-time basis. These market agencies would complete an estimated 12 responses per year per respondent, as assessments are submitted monthly.

The design of this form has been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already submitted under other lamb programs administered by the USDA. The form would be available through the Board or USDA. The information collection would be used only by authorized Board employees and representatives of USDA, including AMS staff.

The request for approval of the amended information collection is as follows:

(1) Form LP–81, Lamb Promotion, Research, and Information Board Remittance Report form.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per lamb sale or purchase via market agency.

Respondents: Lamb Market Agencies.

Estimated Number of Respondents: 800 (includes 300 new respondents—50 monthly and 250 seasonal)

Estimated Number of Responses per new Respondent per year: 12 (monthly respondents 12 × 550 = 6,600 responses; and seasonal respondents 1 × 250 = 250 responses).

Estimated Total Annual Burden on Respondents: 6,850 hours (includes 850 new burden hours annually).

The total annual estimated cost for market agencies in providing the information to the Board is $125,150 (Increase in response total 850 × $18.27 = $15,529.50; grand total is 6,850 × $18.27 = $125,149.50). This total has been estimated by multiplying 850 total burden hours by $18.27, the estimated wage rate of respondents. AMS used the hourly wage of farmworkers, farm, ranch, and aquaculture animals as obtained from the U.S. Bureau of Labor Statistics, Occupational Employment and Wages, published May 2018. This publication can be found at the following website: *https://www.bls.gov/oes/current/oes_nat.htm.*

The average hourly wage rate of $13.87 with an additional 31.7 percent to account for benefits and compensations, for an hourly wage of $18.27, was used to calculate annual cost. Costs of benefits and compensation guidance were provided by Bureau of Labor Statistics News Release issued December 14, 2018.

To offset startup costs associated with the new collection and remittance process, the Board would allocate approximately $500.00 per full-time market agency respondent to upgrade their computer software programs and to provide staff training for the new collection and remittance procedures (50 full-time market agencies × $500.00 = $25,000). Additionally, the Board would provide educational training materials and would host training webinars with seasonal market agency staff on the new collection and remittance process. The Board would allocate approximately $5.00 for the educational materials and webinar training costs per seasonal market agency respondent (250 seasonal market agencies × $5.00 = $1,250.00).

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology.

The proposed rule also announces that AMS is seeking approval for a new information collection and recordkeeping requirement that would be imposed under the Order. The new information collection has been submitted to OMB for approval.

The proposed ''Lamb Feeder Checkoff Refund'' form would require the minimum information necessary to effectively carry out the requirements of the program, and its use is necessary to fulfill the intent of the Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and requesting a refund from the Board. The form would be simple, easy to understand, and place as small a burden as possible on the person required to file the information.

The timing and frequency of collecting information are intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports. In addition, the information to be included on this form is not available from other sources because such information relates specifically to individual market agencies who are subject to the provisions of the Act. Therefore, there is no practical method for collecting the required information without the use of these forms.

Information collection requirements that are included in this proposal include:

Title: LP–85—Lamb Assessment Refund Form.

OMB Number: 0581–NEW.

Type of Request: New collection.

Abstract: The information collection requirements are essential to carry out this proposed rule.

The Order authorizes the collection of assessments from lamb producers, feeders, seedstock producers, and first handlers. Under this proposed rule, market agencies would be required to collect and remit assessments for the purchase and sale of lambs, while the collection and remittance process would remain unchanged when sales occur independent of market agencies. This proposal would require assessment-related records to be retained for at least two years beyond the fiscal year of their applicability. This is consistent with the current recordkeeping requirements of the program. According to the 2017 Census of Agriculture (AC–17–A–51), there were 60,675 farms that sold lambs. The census does not breakdown the data to the level of feeder farms. Therefore, AMS has worked with industry to understand the makeup of the industry. Of those farms, the lamb industry estimated that 500 are considered feeder farms. Additionally, the lamb industry estimates that of those 500 feeder farms, approximately 10 percent, or 50, of those feeder farms purchase or sell lambs at market agencies. The estimated time for each respondent to complete the Lamb Feeder Checkoff Refund Form is 15 minutes. The estimated total hours for all respondents to complete the form is 90 hours (*i.e.,* 50 respondents

multiplied by 15 minutes to complete the form per respondent multiplied by 12 forms being filled out per year, per respondent). The estimated total cost of requesting a refund from the Board, for all respondents, would be $1,644.30. The total cost has been estimated by multiplying the total hours for respondents to complete the form (90 hours) by $18.27, which is what AMS used for the hourly wage of farmworkers, farm, ranch, and aquaculture animals, as obtained from the U.S. Bureau of Labor Statistics, Occupational Employment and Wages, published May 2018. This publication can be found at the following website: *https://www.bls.gov/oes/current/oes_nat.htm.*

Based on the average hourly wage rate of $13.87 with an additional 31.7 percent to account for benefits and compensations, for an hourly wage of $18.27 was used to calculate annual cost. Costs of benefits and compensation guidance was provided by Bureau of Labor Statistics News Release issued December 14, 2018.

The design of this form has been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already submitted under other lamb program administered by the USDA. The form would be available through the Board or USDA. The information collection would be used only by authorized Board employees and representatives of USDA, including AMS staff.

The request for approval of the new information collection is as follows:

(2) Form LP–85, Lamb Feeder Checkoff Refund Form.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 15 minutes per lamb purchase/sale by a feeder at a market agency.

Respondents: Feeder farms who sell lambs at market agencies.

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent per year: 12.

Estimated Total Annual Burden on Respondents: 90 hours.

Total Cost: $1,644.30.

Comments: The period to submit comments on both the revised and the new information collection burden is 60 days. Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology.

A 60-day comment period is provided to allow interested persons to respond to the proposed rule.

List of Subjects in 7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Meat and meat products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS proposes to amend 7 CFR part 1280 as follows:

PART 1280—LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for Part 1280 continues to read as follows:

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

■ 2. Revise § 1280.101 to read as follows:

§ 1280.101 Definitions.

Act means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425; Pub. L. 104–127; 110 Stat. 1029, as amended), or any amendments thereto.

Board means the Lamb Promotion, Research, and Information Board established pursuant to § 1280.201.

Certified organization means any organization which has been certified by the Secretary pursuant to this part as being eligible to submit nominations for membership on the Board.

Conflict of interest means a situation in which a member or employee of a Board has a direct or indirect financial interest in a person that performs a service for, or enters into a contract with, a Board for anything of economic value.

Department means the United States Department of Agriculture.

Exporter means any person who exports domestic live lambs from the United States.

Feeder means any person who acquires ownership of lambs and feeds such lambs in the U.S. until they reach slaughter weight.

First handler means the packer or other person who buys or takes possession of lambs from a producer or feeder for slaughter, including custom slaughter. If a producer or feeder markets lamb products directly to consumers, the producer or feeder shall be considered to be a first handler with respect to such lambs produced by the producer or feeder.

Fiscal period and marketing year mean the 12 month period ending on December 31 or such other consecutive 12 month period as shall be recommended by the Board and approved by the Secretary.

Information means information and programs that are designed to increase efficiency in producing lambs, to maintain and expand existing markets, and to develop new markets, marketing strategies, increased market efficiency, and activities that are designed to enhance the image of lamb and lamb products on a national or international basis. These include:

(a) Consumer information, which means any action taken to provide information to, and broaden the understanding of, the general public regarding the consumption, use, and nutritional attributes of lamb and lamb products; and

(b) Industry information, which means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the lamb industry, and activities to enhance the image of lamb.

Lamb means ovine animals of any age, including ewes and rams.

Lamb products means products produced in whole or in part from lamb, including pelts, and excluding wool and wool products.

Market agency means commission merchant, auction market, or livestock market in the business of receiving lambs or lamb products for sale or purchase on commission for or on behalf of a producer, feeder, seedstock producer, or first handler.

Order means an Order issued by the Secretary under § 514 of the Act that provides for a program of generic promotion, research, and information regarding agricultural commodities authorized under the Act.

Part means the Lamb Promotion, Research, and Information Order and all rules and regulations issued pursuant to the Act and the Order. The Order shall be a subpart of the Part.

Person means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

Producer means any person who owns and produces lambs in the United States for sale.

Producer information means activities designed to provide producers, feeders, and first handlers with information relating to production or marketing efficiencies, development of new markets, program activities, or other information that would facilitate an increase in the demand for lamb or lamb products.

Promotion means any action, including paid advertising and the dissemination of culinary and nutritional information and public relations with emphasis on new marketing strategies, to present a favorable image of U.S. lamb products to the public for the purpose of improving the competitive position of U.S. lamb and lamb products in the marketplace and to stimulate sales.

Referendum means a referendum to be conducted by the Secretary pursuant to the Act whereby producers, feeders, first handlers, and exporters shall be given the opportunity to vote to determine whether the continuance of this subpart is favored by a majority of eligible persons voting and a majority of volume voting.

Research means any type of test, study, or analysis designed to advance the image, desirability, use, marketability, production, product development, or quality of lamb or lamb products.

Secretary means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

Seedstock producer means any lamb producer in the U.S. who engages in the production and sale of breeding replacement lambs or semen or embryos.

State means each of the 50 States and the District of Columbia.

Suspend means to issue a rule under § 553 of title 5, U.S.C., to temporarily prevent the operation of an Order or part thereof during a particular period of time specified in the rule.

Terminate means to issue a rule under § 553 of title 5, U.S.C., to cancel permanently the operation of an Order or part thereof beginning on a date certain specified in the rule.

Unit means each State, group of States, or class designation (producers, feeders, first handlers, or seedstock producers) that is represented on the Board.

United States means collectively the 50 States and the District of Columbia.

Wool means fiber from the fleece of a lamb.

Wool products mean products produced, in whole or in part, from wool and products containing wool fiber, excluding pelts.

§§ 1280.102 through 1280.129 [Removed and Reserved]

■ 3. Remove and reserve §§ 1280.102 through 1280.129.

■ 4. Amend § 1280.217 by:

■ a. Revising paragraphs (a), (c), and (d);

■ b. Removing paragraphs (e) and (g); and

■ c. Redesignating paragraphs (f) and (h) as paragraphs (e) and (f), respectively.

The revisions to read as follows:

§ 1280.217 Lamb purchases.

(a) Except as prescribed by regulations approved by the Secretary, each first handler or exporter making payment to a producer, seedstock producer, or feeder for lambs purchased from such producer, seedstock producer, or feeder shall collect an assessment from the producer, seedstock producer, or feeder. Each producer, seedstock producer, or feeder shall pay such assessment to the first handler or exporter, at the rate of seven-tenths of a cent ($.007) per pound of live lambs sold. The rate of assessment may be raised or lowered no more than twenty-hundredths of a cent ($0.002) in any one year. The Board may recommend any change in the assessment rate to the Department. Prior to a change in the assessment rate, the Department will provide notice by publishing in the **Federal Register** any proposed changes with interested parties allowed to provide comment.

(b) * * *

(c) Each person processing or causing to be processed lambs or lamb products of that person's own production and marketing such lambs or lamb products, shall pay an assessment on such lambs or lamb products on the live weight of the lamb at the time of slaughter at the rate established in paragraph (a) of this section. In addition, pursuant to § 1280.108, such an individual is considered a first handler and is required by § 1280.219 to pay an additional assessment of $0.42 per head. As the first handler, the individual must remit the total amount of assessments to the Board.

(d) A market agency shall collect an assessment from the producer, seedstock producer, feeder, or first handler and remit the collected assessment to the Board. Any person who pays more than one assessment on the same lamb may be eligible for a refund by submitting a request on a form provided by the Board.

(e) The collection of assessments pursuant to § 1280.217, § 1280.218, and § 1280.219 shall begin with respect to lambs purchased, or lambs or lamb products marketed on or after the effective date established by the Secretary and shall continue until terminated or suspended by the Secretary.

(f) Payment remitted pursuant to this subpart shall be in the form of a negotiable instrument made payable to the Board. Such remittances and the reports specified in § 1280.223 and § 1280.225 shall be mailed to the location designated by the Board.

■ 5. Revise § 1280.218 to read as follows:

§ 1280.218 Exporter.

Each person exporting live lambs or lamb products, including an exporter directly exporting his or her own lambs or lamb products, shall remit to the Board an assessment at the rate established in § 1280.217(a) by the 15th day of the month following the month in which the live lambs were purchased for slaughter and export or live export.

■ 6. In § 1280.220, revise paragraph (a) to read as follows:

§ 1280.220 Collections.

(a) Each first handler, market agency, and exporter responsible for the collection of assessments under this subpart shall remit assessments to the Board by the 15th day of the month following the month in which the lambs were purchased for slaughter or export.

* * * * *

■ 7. In § 1280.402, revise paragraphs (b) and (e) to read as follows:

§ 1280.402 Assessments.

(a) * * *

(b) *Market Agency.* A market agency will be required to collect an assessment from the producer, feeder, seedstock producer or first handler and remit the collected assessment to the Board.

(c) * * *

(d) * * *

(e) Remittance of assessments. (1) Assessments shall be remitted to the Lamb Promotion, Research, and Information Program, c/o the Secretary at USDA, 23029 Network Place, Chicago, Illinois 60673–1230, with a ''Monthly Remittance Report'' form not later than the 15th day of the following month in which lambs or lamb products were purchased for slaughter or export, or marketed.

* * * * *

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2020–20523 Filed 10–2–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0691; Product Identifier 2020–NM–064–AD]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. This proposed AD was prompted by evidence that a revised structural life limit of some components of the nose landing gear (NLG) and/or main landing gear (MLG) was not implemented during repair. This proposed AD would require verifying that the affected components are installed on the airplane, revising the structural life limits in the structural deviation inspection requirements (SDIR) airplane document, and replacing affected components if necessary. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by November 19, 2020.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec, Canada, J7N 1E1; Widebody Customer Response Center North America toll-free telephone +1–844–272–2720 or direct-dial telephone +1–514–855–8500; fax +1–514–855–8501; email *thd.crj@mhirj.com;* internet *https://mhirj.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0691; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2020–0691; Product Identifier 2020–NM–064–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this NPRM because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *https://www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2020–09, dated April 7, 2020 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. You may examine the MCAI in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0691.

This proposed AD was prompted by evidence that some components of the NLG and/or MLG were repaired using Bombardier Repair Engineering Orders (REOs) that resulted in a specific airworthiness limitation (SAL). In certain cases, the related SDIRs were not attached to the REO when the parts were repaired and provided to the operator. Consequently, the SDIR was not incorporated into the SDIR airplane document and the revised life limit of the repaired NLG and/or MLG components, as indicated in the SDIR, was not implemented. Those parts, repaired by REO that resulted in an SDIR, have a structural life limit that is lower than the life limit published in the Maintenance Requirements Manual (MRM). The FAA is proposing this AD to address structural life limits that are lower than the life limit published in the MRM, Part 2. This condition, if not corrected, could lead to the collapse of the affected NLG and/or MLG, possibly resulting in airplane damage and injury to the occupants. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 601R–32–112, dated November 11, 2019. This service information describes procedures for verifying that affected components are installed on the airplane, revising the structural life limits in the SDIR airplane document, and replacing affected parts if necessary.

The following service information describes certain repairs and structural life limits for the NLG and MLG components. These documents are distinct since they apply to different repair configurations.

- Bombardier Repair Engineering Order (REO) 601R–32–11–086, Revision A, dated October 29, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–11–089, Revision A, dated October 29, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–11–183, Revision B, dated January 15, 2013.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0367, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0627, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0630, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–634, Revision A, dated October 29, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0712, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0783, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–786, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–835, Revision A, dated October 29, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0913, Revision C, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–918, Revision B, dated January 15, 2014.
- Bombardier Repair Engineering Order (REO) 601R–32–11–921, Revision A, dated October 29, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0951, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0955, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–956, Revision A, dated January 15, 2014.
- Bombardier Repair Engineering Order (REO) 601R–32–11–0958, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1017, Revision A, dated July 15, 2011.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1041, Revision A, dated October 29, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1084, Revision A, dated January 15, 2014.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1153, Revision A, dated January 15, 2014.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1154, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1187, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1206, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1219, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1220, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1224, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1250, Revision A, dated January 15, 2014.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1251, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1255, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1286, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1302, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1650, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–11–1673, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0225, Revision C, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0227, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–414, Revision A, dated February 25, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–21–489, Revision A, dated October 29, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0526, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–535, Revision A, dated February 17, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0536, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0555, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0557, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0562, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–570, Revision A, dated February 25, 2015.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0635, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0661, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0663, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0685, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0689, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0691, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0692, Revision C, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–0693, Revision B, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–1002, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–21–1022, Revision A, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–32–0056, Revision C, dated January 23, 2019.
- Bombardier Repair Engineering Order (REO) 601R–32–32–0076, Revision B, dated January 23, 2019.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service

information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of this NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the MCAI or Service Information.''

Costs of Compliance

The FAA estimates that this proposed AD affects 456 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 143 work-hours × $85 per hour = Up to $12,155.	Up to $103,114	Up to $115,269	Up to $52,562,664.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Docket No. FAA–2020–0691; Product Identifier 2020–NM–064–AD.

(a) Comments Due Date

The FAA must receive comments by November 19, 2020.

(b) Affected ADs

None.

(c) Applicability

This AD applies to MHI RJ Aviation ULC (type certificate previously held by Bombardier, Inc.) Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 through 8999 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by evidence that a revised structural life limit of some components of the nose landing gear (NLG) and/or main landing gear (MLG) was not implemented during repair. The FAA is issuing this AD to address structural life limits that are lower than the life limits published in the Maintenance Requirements Manual (MRM), Part 2. This condition, if not corrected, could lead to the collapse of the affected NLG and/or MLG, possibly resulting in airplane damage and injury to the occupants.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Verification of Airplane or Technical Records

Within 6 months from the effective date of this AD: Verify the airplane or technical records to determine if an NLG or MLG component listed in Table 1 or Table 2 of Bombardier Service Bulletin 601R–32–112, dated November 11, 2019, is installed on the airplane. If this verification determines that an affected component listed in Table 1 or Table 2 of Bombardier Service Bulletin 601R–32–112, dated November 11, 2019, is installed on the airplane, perform the actions specified in paragraph (h) or (i) of this AD, as applicable.

(h) Incorporation of the SDIR Life Limit Into the SDIR Airplane Document

If the total flight cycles of the component is less than the revised SDIR life limit specified in the applicable REO identified in paragraphs (h)(1) through (58) of this AD minus 2,000 flight cycles: Within 12 months after completing the actions specified in paragraph (g) of this AD, incorporate the revised life limit of the affected component into the existing SDIR airplane document as specified in the applicable REO identified in paragraphs (h)(1) through (58) of this AD.

(1) Bombardier Repair Engineering Order (REO) 601R–32–11–086, Revision A, dated October 29, 2015.

(2) Bombardier Repair Engineering Order (REO) 601R–32–11–089, Revision A, dated October 29, 2015.

(3) Bombardier Repair Engineering Order (REO) 601R–32–11–183, Revision B, dated January 15, 2013.

(4) Bombardier Repair Engineering Order (REO) 601R–32–11–0367, Revision A, dated January 23, 2019.

(5) Bombardier Repair Engineering Order (REO) 601R–32–11–0627, Revision A, dated January 23, 2019.

(6) Bombardier Repair Engineering Order (REO) 601R–32–11–0630, Revision A, dated January 23, 2019.

(7) Bombardier Repair Engineering Order (REO) 601R–32–11–634, Revision A, dated October 29, 2015.

(8) Bombardier Repair Engineering Order (REO) 601R–32–11–0712, Revision A, dated January 23, 2019.

(9) Bombardier Repair Engineering Order (REO) 601R–32–11–0783, Revision A, dated January 23, 2019.

(10) Bombardier Repair Engineering Order (REO) 601R–32–11–786, Revision A, dated January 23, 2019.

(11) Bombardier Repair Engineering Order (REO) 601R–32–11–835, Revision A, dated October 29, 2015.

(12) Bombardier Repair Engineering Order (REO) 601R–32–11–0913, Revision C, dated January 23, 2019.

(13) Bombardier Repair Engineering Order (REO) 601R–32–11–918, Revision B, dated January 15, 2014.

(14) Bombardier Repair Engineering Order (REO) 601R–32–11–921, Revision A, dated October 29, 2015.

(15) Bombardier Repair Engineering Order (REO) 601R–32–11–0951, Revision B, dated January 23, 2019.

(16) Bombardier Repair Engineering Order (REO) 601R–32–11–0955, Revision B, dated January 23, 2019.

(17) Bombardier Repair Engineering Order (REO) 601R–32–11–956, Revision A, dated January 15, 2014.

(18) Bombardier Repair Engineering Order (REO) 601R–32–11–0958, Revision B, dated January 23, 2019.

(19) Bombardier Repair Engineering Order (REO) 601R–32–11–1017, Revision A, dated July 15, 2011.

(20) Bombardier Repair Engineering Order (REO) 601R–32–11–1041, Revision A, dated October 29, 2015.

(21) Bombardier Repair Engineering Order (REO) 601R–32–11–1084, Revision A, dated January 15, 2014.

(22) Bombardier Repair Engineering Order (REO) 601R–32–11–1153, Revision A, dated January 15, 2014.

(23) Bombardier Repair Engineering Order (REO) 601R–32–11–1154, Revision B, dated January 23, 2019.

(24) Bombardier Repair Engineering Order (REO) 601R–32–11–1187, Revision B, dated January 23, 2019.

(25) Bombardier Repair Engineering Order (REO) 601R–32–11–1206, Revision B, dated January 23, 2019.

(26) Bombardier Repair Engineering Order (REO) 601R–32–11–1219, Revision B, dated January 23, 2019.

(27) Bombardier Repair Engineering Order (REO) 601R–32–11–1220, Revision B, dated January 23, 2019.

(28) Bombardier Repair Engineering Order (REO) 601R–32–11–1224, Revision B, dated January 23, 2019.

(29) Bombardier Repair Engineering Order (REO) 601R–32–11–1250, Revision A, dated January 15, 2014.

(30) Bombardier Repair Engineering Order (REO) 601R–32–11–1251, Revision B, dated January 23, 2019.

(31) Bombardier Repair Engineering Order (REO) 601R–32–11–1255, Revision B, dated January 23, 2019.

(32) Bombardier Repair Engineering Order (REO) 601R–32–11–1286, Revision B, dated January 23, 2019.

(33) Bombardier Repair Engineering Order (REO) 601R–32–11–1302, Revision B, dated January 23, 2019.

(34) Bombardier Repair Engineering Order (REO) 601R–32–11–1650, Revision A, dated January 23, 2019.

(35) Bombardier Repair Engineering Order (REO) 601R–32–11–1673, Revision A, dated January 23, 2019.

(36) Bombardier Repair Engineering Order (REO) 601R–32–21–0225, Revision C, dated January 23, 2019.

(37) Bombardier Repair Engineering Order (REO) 601R–32–21–0227, Revision B, dated January 23, 2019.

(38) Bombardier Repair Engineering Order (REO) 601R–32–21–414, Revision A, dated February 25, 2015.

(39) Bombardier Repair Engineering Order (REO) 601R–32–21–489, Revision A, dated October 29, 2015.

(40) Bombardier Repair Engineering Order (REO) 601R–32–21–0526, Revision B, dated January 23, 2019.

(41) Bombardier Repair Engineering Order (REO) 601R–32–21–535, Revision A, dated February 17, 2015.

(42) Bombardier Repair Engineering Order (REO) 601R–32–21–0536, Revision B, dated January 23, 2019.

(43) Bombardier Repair Engineering Order (REO) 601R–32–21–0555, Revision B, dated January 23, 2019.

(44) Bombardier Repair Engineering Order (REO) 601R–32–21–0557, Revision B, dated January 23, 2019.

(45) Bombardier Repair Engineering Order (REO) 601R–32–21–0562, Revision B, dated January 23, 2019.

(46) Bombardier Repair Engineering Order (REO) 601R–32–21–570, Revision A, dated February 25, 2015.

(47) Bombardier Repair Engineering Order (REO) 601R–32–21–0635, Revision B, dated January 23, 2019.

(48) Bombardier Repair Engineering Order (REO) 601R–32–21–0661, Revision B, dated January 23, 2019.

(49) Bombardier Repair Engineering Order (REO) 601R–32–21–0663, Revision B, dated January 23, 2019.

(50) Bombardier Repair Engineering Order (REO) 601R–32–21–0685, Revision B, dated January 23, 2019.

(51) Bombardier Repair Engineering Order (REO) 601R–32–21–0689, Revision B, dated January 23, 2019.

(52) Bombardier Repair Engineering Order (REO) 601R–32–21–0691, Revision B, dated January 23, 2019.

(53) Bombardier Repair Engineering Order (REO) 601R–32–21–0692, Revision C, dated January 23, 2019.

(54) Bombardier Repair Engineering Order (REO) 601R–32–21–0693, Revision B, dated January 23, 2019.

(55) Bombardier Repair Engineering Order (REO) 601R–32–21–1002, Revision A, dated January 23, 2019.

(56) Bombardier Repair Engineering Order (REO) 601R–32–21–1022, Revision A, dated January 23, 2019.

(57) Bombardier Repair Engineering Order (REO) 601R–32–32–0056, Revision C, dated January 23, 2019.

(58) Bombardier Repair Engineering Order (REO) 601R–32–32–0076, Revision B, dated January 23, 2019.

(i) Replacement of Repaired NLG and/or MLG Component

If the total flight cycles of the component is equal to or more than the revised SDIR life limit specified in the applicable REO identified in paragraphs (h)(1) through (58) of this AD minus 2,000 flight cycles: Within 12 months or 2,000 flight cycles, whichever occurs first, after completing the actions specified in paragraph (g) of this AD, replace the affected component with a serviceable component.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install any component listed in Table 1 or Table 2 of Bombardier Service Bulletin 601R–32–112, dated November 11, 2019, on any airplane without first incorporating the actions specified in paragraph (h) or (i) of this AD, as applicable.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or MHI RJ Aviation ULC's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2020–09, dated April 7, 2020, for related information. This MCAI may be found in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2020–0691.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7330; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(3) For service information identified in this AD, contact MHI RJ Aviation ULC, 12655 Henri-Fabre Blvd., Mirabel, Québec, Canada, J7N 1E1; Widebody Customer Response Center North America toll-free telephone +1–

844–272–2720 or direct-dial telephone +1–514–855–8500; fax +1–514–855–8501; email *thd.crj@mhirj.com;* internet *https://mhirj.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued on August 10, 2020.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2020–21882 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2020–0825; Airspace Docket No. 20–ANM–27]

RIN 2120–AA66

Proposed Amendment of Class D and E airspace; Kalispell, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class D airspace at Glacier Park International Airport. This action also proposes to modify Class E airspace, designated as a surface area. Additionally, this action proposes to modify Class E airspace, extending upward from 700 feet above the surface. Further, this action proposes to modify Class E airspace, extending upward from 1,200 feet above the surface. This action also proposes to remove the Smith Lake NDB from the Class E airspace legal descriptions. Lastly, this action proposes several administrative corrections to the airspace legal descriptions. This action would ensure the safety and management of instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before November 19, 2020.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2020–0825; Airspace Docket No. 20–ANM–27, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.*

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *https://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email *fedreg.legal@nara.gov* or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

FOR FURTHER INFORMATION CONTACT: Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231–3695.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend the Class D and Class E airspace at Glacier Park International Airport, Kalispell, MT, to support IFR operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2020–0825; Airspace Docket No. 20–ANM–27''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the ''**ADDRESSES**'' section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations Part 71 by modifying the Class D airspace at Glacier Park International Airport, Kalispell, MT. To properly contain IFR aircraft, this action proposes to add an extension to the airspace northeast of the airport. The airspace area would be described as follows:

That airspace extending upward from the surface to and including 5,500 feet MSL within a 4.3-mile radius of the airport, and within 1.2 miles each side of the 032° bearing from the airport, extending from the 4.3-mile radius to 5.6 miles northeast of Glacier Park International Airport. This Class D airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

This action also proposes to modify Class E airspace, designated as a surface area, to be coincident with the new Class D dimensions. This airspace area is also part-time and this action proposes to add the appropriate verbiage to the airspace legal description. The airspace area would be described as follows: That airspace extending upward from the surface within a 4.3-mile radius of the airport, and within 1.2 miles each side of the 032° bearing from the airport, extending from the 4.3-mile radius to 5.6 miles northeast of Glacier Park International Airport. This Class E airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Additionally, this action proposes to modify Class E airspace extending upward from 700 feet above the surface. The action proposes to properly size the airspace to contain IFR departures to 1,200 feet above the surface and IFR arrivals descending below 1,500 feet above the surface. The airspace area would be described as follows: That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the airport, and within 2.3 miles each side of the 138° bearing from the airport, extending from the 7.5-mile radius to 13.4 miles southeast of the airport, and with 2 miles each side of the 215° bearing from the airport, extending from the 7.5-mile radius to 19.5 miles southwest of Glacier Park International Airport.

This action also proposes to modify Class E airspace extending upward from 1,200 feet above the surface. This area is designed to contain IFR aircraft transitioning to/from the terminal and en route environments. The airspace area would be described as follows: That airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the airport beginning at the 270° bearing from the airport, clockwise to the 090° bearing from the airport, thence along the 090° bearing to 45 miles east of the airport, thence within a 45-mile radius of the airport clockwise to the 270° bearing from the airport, thence along the 270° bearing to the point of beginning, 25 miles west of Glacier Park International Airport.

The action proposes to remove the Smith Lake NDB and all references to the NDB from the Class E2 and Class E5 text headers and the airspace legal descriptions. The navigational aid is not needed to define the airspace. Removal of the navigational aid allows the airspace to be defined from a single reference point which simplifies how the airspace is described.

Lastly, this action proposes several administrative corrections to the airspaces' legal descriptions. In the Class D legal description, the last sentence contains the term ''Airport/Facilities Directory'' this action proposes to update the term to ''Chart Supplement''. This action proposes to remove the city name from the second line of Class D, Class E2, and Class E5 the text header. The airport's geographic coordinates do not match the FAA database; this action proposes to update the geographic coordinates in all of the airspace areas to ''lat. 48°18′38″ N, long. 114°15′22″ W''

Class D, E2, and E5 airspace designations are published in paragraphs 5000, 6002, and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANM MT D Kalispell, MT [Amended]

Glacier Park International Airport, MT
(Lat. 48°18′38″ N, long. 114°15′22″ W)

That airspace extending upward from the surface to and including 5,500 feet MSL within a 4.3-mile radius of the airport, and within 1.2 miles each side of the 032° bearing from the airport, extending from the 4.3-mile radius to 5.6 miles northeast of Glacier Park International Airport. This Class D airspace area is effective during the specific dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as a Surface Area.

* * * * *

ANM MT E2 Kalispell, MT [Amended]

Glacier Park International Airport, MT
(Lat. 48°18′38″ N, long. 114°15′22″ W)

That airspace extending upward from the surface within a 4.3-mile radius of the airport, and within 1.2 miles each side of the 032° bearing from the airport, extending from the 4.3-mile radius to 5.6 miles northeast of Glacier Park International Airport. This Class E airspace area is effective during the specific

dates and times established, in advance, by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ANM MT E5 Kalispell, MT [Amended]

Glacier Park International Airport, MT
(Lat. 48°18′38″ N, long. 114°15′22″ W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the airport, and within 2.3 miles each side of the 138° bearing from the airport, extending from the 7.5-mile radius to 13.4 miles southeast of the airport, and with 2 miles each side of the 215° bearing from the airport, extending from the 7.5-mile radius to 19.5 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the airport beginning at the 270° bearing from the airport, clockwise to the 090° bearing from the airport, thence along the 090° bearing to 45 miles east of the airport, thence within a 45-mile radius of the airport clockwise to the 270° bearing from the airport, thence along the 270° bearing to the point of beginning, 25 miles west of Glacier Park International Airport.

Issued in Seattle, Washington, on September 18, 2020.

B.G. Chew,

Acting Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2020–21881 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 292

[Docket No. RM20–20–000]

Petition for Rulemaking of Bloom Energy Corporation; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Petition for rulemaking; correcting amendment.

SUMMARY: This document contains a correction to the Petition for rulemaking (RM18–20–000) which published in the **Federal Register** on Friday, September 18, 2020 (85 FR 58300). The docket number was incorrect. This document corrects the docket number in this proceeding as captioned above.

DATES: Comments due 5:00 p.m. Eastern time on September 8, 2020.

FOR FURTHER INFORMATION CONTACT: Lawrence Greenfield, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6415, *Lawrence.Greenfield@ferc.gov*.

SUPPLEMENTARY INFORMATION: On August 19, 2020, the Commission issued a *Petition for rulemaking* informing that Bloom Energy Corporation submitted a petition for rulemaking requesting that the Commission clarify that the thermal energy output produced by a topping-cycle facility's solid oxide fuel cell system when used to reform methane and produce hydrogen for fuel for electricity generation by that facility is useful thermal energy output that would enable the facility powered by such fuel cells to be certified as a qualifying cogeneration facility, all as more fully explained in the petition.

Dated: August 21, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–21037 Filed 10–2–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. FDA–2014–N–0053]

Requirements for Additional Traceability Records for Certain Foods; Proposed Rule; Public Meetings; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing three virtual public meetings entitled ''Requirements for Additional Traceability Records for Certain Foods; Proposed Rule.'' The purpose of the public meetings is to discuss the proposed rule entitled ''Requirements for Additional Traceability Records for Certain Foods,'' which was issued under the FDA Food Safety Modernization Act (FSMA). These public meetings are intended to facilitate and support the public's evaluation and commenting process on the proposed rule.

DATES: The public meetings will be held on November 6, 2020, from 8:30 a.m. Eastern Time to 3:30 p.m. Eastern Time; November 18, 2020 from 9:30 a.m. Eastern Time to 4:30 p.m. Eastern Time; and December 2, 2020 from 11:30 a.m. Eastern Time to 6:30 p.m. Eastern Time. Submit either electronic or written comments on the notice by January 21, 2021. See ''How to Participate in the Public Meetings'' in the **SUPPLEMENTARY INFORMATION** section of this document for closing dates for advanced registration and other information regarding meeting participation.

ADDRESSES: Due to the impact of the COVID–19 pandemic, these meetings will be held virtually to help protect the public and limit the spread of the virus.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before January 21, 2021. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of January 21, 2021. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management

Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2014–N–0053 for ''Requirements for Additional Traceability Records for Certain Foods.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: *For general questions about the public meetings or for special accommodations due to a disability:* Juanita Yates, Center for Food Safety and Applied Nutrition (HFS–009), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1731, *Juanita.Yates@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FSMA (Pub. L. 111–353), enacted in 2011, modernized U.S. food safety law to better ensure the safety and security of the nation's food supply. Section 204(d) of FSMA requires that FDA establish recordkeeping requirements for facilities that manufacture, process, pack, or hold foods that the Agency designates as high risk, to facilitate the rapid and effective traceability of such foods. These recordkeeping requirements will be in addition to the food traceability requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 350c) (added to the FD&C Act in title III, subtitle A, section 306, of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. 107–188)) and the implementing regulations in subpart J of part 1 of title 21 of the Code of Federal Regulations (21 CFR 1.326 to 1.368) (the subpart J regulations). Congress directed FDA to adopt the subpart J regulations recordkeeping requirements to allow the Agency to identify the immediate previous sources and immediate subsequent recipients of foods (commonly referred to as ''one-up, one-back'' recordkeeping) to address credible threats of serious adverse health consequences or death to humans or animals. In section 204(d)(1) of FSMA, Congress directed FDA to adopt additional recordkeeping requirements to prevent or mitigate foodborne illness outbreaks and address credible threats of serious adverse health consequences or death to humans or animals resulting from foods being adulterated under section 402 of the FD&C Act (21 U.S.C. 342) or misbranded with respect to allergen labeling under section 403(w) of the FD&C Act (21 U.S.C. 343(w)).

In the **Federal Register** of September 23, 2020 (85 FR 59984), FDA published the proposed rule entitled ''Requirements for Additional Traceability Records for Certain Foods''. The proposed additional recordkeeping requirements, when finalized, will fulfill Congress's directive in section 204(d)(1) of FSMA and will help FDA follow the movement of listed food products and ingredients both backward and forward throughout the supply chain.

Section 204(d)(4) of FSMA states that, during the comment period for the proposed rule, FDA ''shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.'' Due to the impact of the COVID–19 pandemic, these meetings will be held virtually to help protect the public and limit the spread of the virus.

FDA is therefore announcing a series of virtual public meetings entitled ''Requirements for Additional Traceability Records for Certain Foods; Proposed Rule'' so that stakeholders can better evaluate and comment on the proposed rule. These meetings will be held during the formal comment period on the proposed rule. All three public meetings will cover the same agenda items and are intended to facilitate and support the public's evaluation and commenting process.

While oral presentations from specific individuals and organizations will be necessarily limited due to time constraints during the public meetings, stakeholders may submit electronic or written comments discussing any issues of concern to the administrative record (the docket) for the proposed rule (Docket No. FDA–2014–N–0053). (See **ADDRESSES**).

II. Purpose and Format of the Public Meetings

The purpose of the public meetings is to provide information and facilitate comment so that stakeholders can better evaluate and provide input on the proposed rule. We invite interested parties to provide information and offer comments related to the proposed rule. During the public meetings we will present information on the various sections of the proposed rule: General Provisions; Traceability Program Records; Records of Growing, Receiving, Transforming, Creating, and Shipping Food; Special Requirements for Certain Persons and Foods; Procedures for Modified Requirements and Exemptions; Waivers; Records Maintenance and Availability; and Updating the Food Traceability List. Stakeholder panels will provide discussion on the various issues. There will be an opportunity for questions, as well as an opportunity for open public comment.

III. How To Participate in the Public Meetings

There will be a total of three virtual public meetings with different time frames, which will provide persons in different regions an opportunity to comment on the proposed rule.

Table 1 provides information on participation in the public meetings.

TABLE 1—INFORMATION ON PARTICIPATING IN THE PUBLIC MEETINGS AND ON SUBMITTING COMMENTS TO THE PROPOSED RULE ON REQUIREMENTS FOR ADDITIONAL TRACEABILITY RECORDS FOR CERTAIN FOODS DOCKET

Activity	Date	Electronic address	Other information
First public meeting	November 6, 2020; 8:30 a.m.–3:30 p.m. EST.	Webcast information will be sent upon completion of registration.	Webcast will have closed captioning.
Advance registration	by October 28, 2020 ..	*https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements*.	There is no registration fee for the public meetings. Early registration is recommended.
Request to make oral presentation.	by October 9, 2020	*https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements*.	
Notice confirming opportunity to make oral presentation.	by October 16, 2020 ..	.....	An Agency representative will confirm the opportunity to make an oral presentation and will provide the approximate time on the public meeting agenda to do so.
Submitting either electronic or written comments.	Submit comments by January 21, 2021.	*https://www.regulations.gov*	See **ADDRESSES** for additional information on submitting comments.
Second public meeting	November 18, 2020; 9:30 a.m.–4:30 p.m. EST.	Webcast information will be sent upon completion of registration.	Webcast will have closed captioning.
Advance registration	by November 6, 2020	*https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements*.	There is no registration fee for the public meetings. Early registration is recommended.
Request to make oral presentation.	by October 16, 2020 ..	*https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements*.	
Notice confirming opportunity to make oral presentation.	by October 23, 2020 ..	.....	An Agency representative will confirm the opportunity to make an oral presentation and will provide the approximate time on the public meeting agenda to do so.
Submitting either electronic or written comments.	Submit comments by January 21, 2021.	*https://www.regulations.gov*	See **ADDRESSES** for additional information on submitting comments.
Third public meeting	December 2, 2020; 11:30 a.m.–6:30 p.m. EST.	Webcast information will be sent upon completion of registration.	Webcast will have closed captioning.
Advance registration	by November 18, 2020	*https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements*.	There is no registration fee for the public meetings. Early registration is recommended.
Request to make oral presentation.	by October 26, 2020 ..	*https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements*.	
Notice confirming opportunity to make oral presentation.	by November 9, 2020	.....	An Agency representative will confirm the opportunity to make an oral presentation and will provide the approximate time on the public meeting agenda to do so.
Submitting either electronic or written comments.	Submit comments by January 21, 2021.	*https://www.regulations.gov*	See **ADDRESSES** for additional information on submitting comments.

IV. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at: *https://www.regulations.gov.* You may also view the transcript at the Dockets Management Staff (see **ADDRESSES**).

Dated: September 29, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–21935 Filed 10–2–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Parts 1300, 1301, 1304, 1306, and 1307

[Docket No. DEA–377]

RIN 1117–AB37

Registering Emergency Medical Services Agencies Under the Protecting Patient Access to Emergency Medications Act of 2017

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The ''Protecting Patient Access to Emergency Medications Act of 2017,'' (hereafter the ''Act'') which became law on November 17, 2017, amended the Controlled Substances Act to allow for a new registration category for emergency medical services agencies that handle controlled substances. It also established standards for registering emergency medical services agencies, and set forth new requirements for delivery, storage, and recordkeeping related to their handling of controlled substances. In addition, the Act allows emergency medical services professionals to administer controlled substances outside the physical

presence of a medical director or authorizing medical professional pursuant to a valid standing or verbal order. The Drug Enforcement Administration proposes to amend its regulations to make them consistent with the Act and to otherwise implement its requirements.

DATES: Electronic comments must be submitted, and written comments must be postmarked, on or before December 4, 2020. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.

All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Management and Budget (OMB) on or before December 4, 2020.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–377'' on all correspondence, including any attachments.

• *Electronic Comments:* DEA encourages that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Upon completion of your submission, you will receive a Comment Tracking Number for your comment. Please be aware that submitted comments are not instantaneously available for public view on *Regulations.gov.* If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment. Commenters should be aware that the electronic Federal Docket Management System will not accept any comments after 11:59 p.m. Eastern Time on the last day of the comment period.

• *Paper Comments:* Paper comments that duplicate electronic submissions are not necessary. Should you wish to mail a paper comment *in lieu of* an electronic comment, it should be sent via regular or express mail to: Drug Enforcement Administration, Attn: DEA Federal Register Representative/DPW, 8701 Morrissette Drive, Springfield, Virginia 22152–2639.

• *Paperwork Reduction Act Comments:* All comments concerning collections of information under the Paperwork Reduction Act must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comment refers to RIN 1117–AB37/Docket No. DEA–377.

FOR FURTHER INFORMATION CONTACT: Scott A. Brinks, Regulatory Drafting and Policy Support Section (DPW), Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (571) 362–3261.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record. They will, unless reasonable cause is given, be made available by the Drug Enforcement Administration (DEA or ''the Administration'') for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. The Freedom of Information Act applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment.

Comments containing personal identifying information and confidential business information identified as directed above will generally be made publicly available in redacted form. If a comment has so much confidential business information or personal identifying information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this proposed rule are available at *http://www.regulations.gov* for easy reference.

Outline

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B. Purpose
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D. Summary of the Act and Changes to the CSA
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I. Background and Purpose

A. Legal Authority

On November 17, 2017, the ''Protecting Patient Access to Emergency Medications Act of 2017,'' Public Law 115–83 (131 Stat. 1267) (''the Act''), became law.

The Act amended a section of the CSA, 21 U.S.C. 823, by adding a new subsection, 21 U.S.C. 823(j). This new subsection alters a number of CSA requirements ''[f]or the purpose of enabling emergency medical services professionals to administer controlled substances in schedule II, III, IV, or V to ultimate users receiving emergency medical services.'' 21 U.S.C. 823(j)(1). The Act also specifically authorizes the Attorney General (and thus the Administrator of DEA by delegation) to issue certain regulations to implement the Act. *Id.* 823(j)(11).

B. Purpose

The purposes of this proposed rule are twofold. First, this proposed rule is to codify in DEA regulations the statutory amendments made by the Act. Such proposed changes are merely conforming DEA's implementing regulations to statutory amendments of the CSA that have already taken effect. Second, this proposed rule amends DEA

regulations in some ways that do not directly codify the Act's amendments. These limited changes are authorized by the CSA, as amended by the Act, and seek to implement the Act and effectuate its purposes.

C. Background

When an individual experiences a medical emergency, his or her entry into the healthcare system may not start with the care of a physician within a traditional clinical setting, but instead with the intervention of emergency medical services (EMS) personnel affiliated with a local EMS agency at the incident site. EMS personnel, who provide emergency medical services by ground, air, or otherwise, respond to 37 million calls annually.[1] EMS involves the evaluation and management of patients with acute traumatic and medical conditions in a prehospital environment,[2] and is an important component of medical care, as early medical intervention saves lives and often reduces the severity of injury.[3] The nature of medical intervention at the incident site and during transport to the hospital can vary widely depending on the severity and type of injury or impairment, and may include the administering of controlled substances.[4]

The delivery of emergency medical care is primarily a local function; and, accordingly, a wide variety of organizational structures are utilized across the nation. EMS programs may be a part of the local municipal government, hospital, or independent government agency, or may be contracted by local government with a private entity. Each state has a State EMS licensing office that is responsible for the overall planning, coordination, and regulation of the State EMS system, as well as licensing or certifying EMS providers and ambulances.[5] These agencies are often located within the State health department, but may also be found as part of the public safety department or as independent agencies.[6]

D. Summary of the Act and Changes to the CSA

The Act established uniform EMS agency requirements for the administration of controlled substances while ensuring adequate safeguards against theft and diversion. The Act added a new subsection to the CSA, 21 U.S.C. 823(j), and in the process redesignated the previous subsection (j) as subsection (k). The new 21 U.S.C. 823(j) makes a number of notable changes to the CSA. The Act makes five key changes.

First, the Act creates a new registration category under the CSA for EMS agencies, directing the Attorney General (and thus the Administrator of DEA by delegation) to register such an agency under the CSA if the agency submits an application demonstrating that it is authorized to conduct emergency medical services under the laws of each State in which the agency practices. 21 U.S.C. 823(j)(1)(A). Pursuant to 21 U.S.C. 823(j)(1)(B), the Act authorizes the Attorney General to deny the application of an EMS agency if registering it would be inconsistent with other requirements of 21 U.S.C. 823(j) or with the public interest based on the factors of 21 U.S.C. 823(f).

Second, the Act directs the Attorney General (and thus the Administrator) to allow a registered EMS agency to obtain a single registration for each State in which the agency administers controlled substances, rather than requiring the agency to obtain a separate registration for each location at which it operates within that State. 21 U.S.C. 823(j)(2). The Act also provides that a hospital-based emergency medical services agency registered under 21 U.S.C. 823(f) may use the registration of the hospital to administer controlled substances under 21 U.S.C. 823(j), without requiring the agency to acquire a separate registration. 21 U.S.C. 823(j)(3).

Third, subject to certain restrictions, the Act authorizes EMS professionals of a registered EMS agency to administer controlled substances in schedule II, III, IV, or V outside the physical presence of a medical director or authorizing medical professional in the course of providing emergency medical services. 21 U.S.C. 823(j)(4). EMS professionals are only allowed to make such administrations if authorized by State law and pursuant to standing or verbal orders that satisfy a number of statutory conditions. *Id.*

Fourth, the Act provides a variety of requirements for how registered EMS agencies must deliver controlled substances from registered to unregistered locations, store controlled substances, restock EMS vehicles at a hospital, maintain records, and otherwise conduct their operations. 21 U.S.C. 823(j)(5)–(10).

Fifth, the Act specifically authorizes the Attorney General (and thus the Administrator) to issue regulations regarding the delivery and storage of controlled substances by EMS agencies. *Id.* 823(j)(11).

II. Summary of Proposed Changes

The Act amended the CSA to add regulatory provisions pertaining to the handling of controlled substances by EMS professionals, and the majority of this proposed rule merely reiterates those statutory requirements. The portion of this proposed rule that goes beyond those statutory requirements includes proposed changes to the registration, security, recordkeeping, inventory, and administering requirements for EMS agencies, which are discussed below.

Consistent with the Act, DEA is proposing regulations to explicitly include EMS agencies handling controlled substances as registrants under the CSA,[7] and to delineate the security, and recordkeeping requirements for EMS registrants who store, transport, and administer controlled substances. DEA is also proposing regulations that would codify, in DEA regulations, the Act's provisions that allow EMS personnel to administer controlled substances in schedules II–V outside of the physical presence of a medical director or authorizing medical professional in the course of providing emergency medical services if authorized in the State in which the medical service occurs and pursuant to a standing order or verbal order.[8] In addition, DEA is proposing

[1] National EMS Assessment, 2011. The National EMS Assessment, led by researchers at the University of North Carolina at Chapel Hill, incorporated data from the National Association of State EMS Officials 2011 EMS Industry Snapshot: Emergency Medical Services for Children Program 2010–2011 report, the 2007 Indian Health Services Tribal EMS Pediatric Assessment, and the National EMS Database.

[2] FICEMS 2011 National EMS Assessment.

[3] Kuehl, Alexander. ''25.'' Prehospital Systems and Medical Oversight. Dubuque, IA: Kendall/Hunt Pub., 2002. (''For most prehospital medical conditions, patient outcome is assumed to be beneficially influenced by early medical intervention, and contemporary prehospital care systems are a well-defined practice of medicine in the United States.'').

[4] A non-exhaustive list of common controlled substance pharmaceuticals utilized by EMS include the benzodiazepine class of drugs for seizures and sedation as well as morphine (schedule II), fentanyl (schedule II), and meperidine (schedule II) for pain management.

[5] *http://www.ems.gov.*

[6] *Id.*

[7] Consistent with 21 U.S.C. 823(j)(3), DEA is proposing regulations that would continue to allow an EMS agency based in a hospital that is registered under § 1301.13 to use the hospital's registration to administer controlled substances, without being separately registered as an EMS agency.

[8] 21 U.S.C. 823(j)(13)(M) defines *standing order* as a written medical protocol in which a medical director determines in advance the medical criteria that must be met before administering controlled substances to individuals in need of emergency medical services. 21 U.S.C. 823(j)(13)(N) defines *verbal order* as an oral directive that is given through any method of communication including

regulations that codify the Act's amendments allowing EMS agencies to receive controlled substances from hospitals for the purpose of restocking EMS vehicles, and allowing EMS agencies and hospitals to deliver controlled substances to each other in the event of shortages of such substances, public health emergencies, or mass casualty events.

In this manner, DEA will bring its regulations into conformity with the Act's amendments to the CSA. In particular, DEA's proposed 21 CFR 1300.06 would add 21 U.S.C. 823(j)(13)'s new definitions of relevant terms to DEA regulations. Section 1301.12 would be amended to reflect the statutory amendments of 823(j)(2) and 823(j)(5), and § 1301.13 would be amended to bring it into conformity with 823(j)(1). Proposed § 1301.20(a) is adapted directly from the statutory amendment, specifically from 823(j)(1)–(3). The proposed provisions of § 1301.80(a) would add provisions from 823(j)(6). Proposed § 1304.03(j) is taken from 823(j)(9)(A). Proposed § 1306.07(e) would add the provisions of 823(j)(4) and 823(j)(10)(D) to DEA regulations, while proposed § 1307.14 would add those of 823(j)(8).

Not all of the proposed amendments to DEA regulations, however, directly codify the Act's statutory amendments in DEA regulations. Some of the proposed changes—specifically, §§ 1301.20(b), 1301.80(b), 1304.03(i), 1304.04, 1304.27, 1306.07(f), and 1307.15—implement the purposes of the Act more broadly, consistent with the Administrator's authority to promulgate regulations under 21 U.S.C. 821, 21 U.S.C. 823(j)(11), and 21 U.S.C. 871(b).

A. Definitions

The Act contains a provision, 21 U.S.C. 823(j)(13), defining the terms used throughout its other provisions. In order to conform to the Act, DEA is proposing to add these new definitions to its regulations as part of a new section, 21 CFR 1300.06. This includes defining the terms ''authorizing medical professional,'' ''designated location,'' ''emergency medical services,'' ''emergency medical services agency,'' ''emergency medical services professional,'' ''emergency medical services vehicle,'' ''hospital-based,'' ''medical director,'' ''medical oversight,'' ''registered emergency medical services agency,'' ''registered location,'' ''specific state authority,'' ''standing order,'' and ''verbal order.''

Additionally, the Act contains provisions that allows DEA to issue regulations specifying, with regard to the delivery of controlled substances under 21 U.S.C. 823(j)(5), the types of locations that may be designated. 21 U.S.C. 823(j)(11)(A)(i). In order to conform with the Act, DEA has identified this type of location as a ''stationhouse'' and is proposing to add the definition of a ''stationhouse'' to its regulations as part of 21 CFR 1300.06.

B. Registration for Emergency Medical Services Agencies

1. Current Regulations for EMS Registration

Pursuant to 21 CFR 1301.12(a), controlled substances may only be delivered to, and distributed or dispensed from, a DEA registered location. In addition, under the CSA and DEA regulations, a separate registration is required for each principal place of business or professional practice at one general physical location where controlled substances are manufactured, distributed, imported, exported, or dispensed by a person. 21 U.S.C. 822(e); 21 CFR1301.12(a).

Until the passage of the Act, the CSA and its implementing regulations did not directly mention EMS. Historically, DEA has not specifically registered EMS agencies to procure or dispense controlled substances. Instead, generally, EMS vehicles have obtained controlled substances for dispensing pursuant to a physician's instructions by operating under the registration of a hospital through one of two options.

Under the first option, an EMS vehicle owned and operated by a hospital handles controlled substances under the hospital's registration.[9] The EMS vehicle obtains controlled substances from the hospital's pharmacy or emergency room, as an extension of the hospital pharmacy. Under the second option, an EMS agency is registered under a hospital registration by agreement—that is, a private EMS agency enters into a formal agreement with a specified hospital to act as the hospital's agent. The hospital supplies each EMS vehicle with a prepared kit containing controlled substances needed by the EMS agency and replenishes the kit as necessary. Many EMS agencies are currently using hospital registrations to stock and operate their EMS vehicles at those hospitals in this manner.

2. Proposed Regulations for EMS Registration

The Act authorized the Attorney General (and thus, by delegation, the Administrator) to register EMS agencies, which allowed for a new registration category for EMS professionals to administer controlled substances in schedule II–V to patients receiving emergency medical services. 21 U.S.C. 823(j)(1). The Act thereby effectively amends the CSA to add a new category of registrant—an EMS agency—and to require DEA to grant registrations to those agencies if certain conditions are met. Thus, in conformity with the Act, DEA proposes to amend 21 CFR 1301.13 and to add 21 CFR 1301.20 to provide for the registration of EMS agencies.

As part of this regulatory change, DEA is proposing to add § 1301.20(a) to its regulations, which will describe the registration requirements for EMS agencies registered under § 1301.13. The proposed registration requirements of § 1301.20(a) are taken directly from the Act, 21 U.S.C. 823(j)(1)–(3).

DEA recommends three options to allow EMS agencies to transition their registrations, in accordance with the Act. The three options for EMS agencies to transition are: (1) Transition immediately on the effective date established by DEA; (2) transition at the expiration of their current registration; or (3) transition three to six months prior to their renewal date. DEA recommends that registrants contact their local DEA field office to complete this transition.

C. Designated Location of an Emergency Medical Services Agency

Many EMS agencies currently utilize what is sometimes termed the ''hub-and-spoke'' model where the agency has a main or central location and several stationhouses managed by the main location. The stationhouses are strategically placed throughout a geographical area to provide timely responses to emergency medical needs of the residents of the area. Under DEA's current registration regulations, if only the main location is registered with DEA, the employees of each of the individual (unregistered) stationhouses are not allowed to acquire or store controlled substances at the unregistered stationhouse.

To lessen the burden for EMS agencies with several stationhouses in a single state, the Act allows EMS agencies to choose the option of a single registration in each state where the EMS

by radio or telephone, directly to an emergency medical services professional, to contemporaneously administer a controlled substance to individuals in need of emergency medical services outside the physical presence of the medical director or authorizing medical professional.

[9] EMS agencies' use of this option is now explicitly authorized by the Act, 21 U.S.C. 823(j)(3), and DEA is proposing to add this option to its regulations as 21 CFR 1301.20(a)(2).

agency operates, 21 U.S.C. 823(j)(2), and DEA proposes to amend its regulations accordingly through proposed § 1301.20(a)(1). The Act and the proposed regulation still require EMS agencies that operate EMS facilities in multiple states to have a separate registration in each state where the agency operates, however. In addition, under the Act and § 1301.20(a)(2) of these proposed regulations, hospital-based EMS agencies are allowed to operate under the registration of a hospital to administer controlled substances without being separately registered pursuant to 21 U.S.C. 823(j)(3).

Additionally, the Act amended the CSA to specifically authorize EMS agencies to designate specific unregistered locations where controlled substances would be delivered and stored, but requires registered EMS agencies to provide notice of these locations to the Attorney General at least 30 days before delivery. 21 U.S.C. 823(j)(5). DEA proposes to bring its regulations into conformity with the Act by adding 21 CFR 1301.20(b). Consistent with the Attorney General's authority under 21 U.S.C. 823(j)(11)(A)(ii) to prescribe how EMS agencies provide notice of designated locations, that regulation proposes to require notification of the name and physical address of the designated location through DEA's website, *www.DEAdiversion.usdoj.gov.* Pursuant to proposed § 1301.20(b), an EMS agency still must obtain a DEA registration for the registered location at which it receives controlled substances from distributers. After an EMS agency has been approved for a DEA registration, the EMS agency may identify designated locations through DEA's website, *www.DEAdiversion.usdoj.gov.* An EMS agency that has thus identified designated locations may deliver controlled substances to that designated location 30 days after notification to DEA.

The Act also authorizes the Attorney General to issue regulations specifying the types of locations that may be designated by an EMS agency. 21 U.S.C. 823(j)(11)(A)(i). Pursuant to this authority, DEA is proposing to include a provision in § 1301.20(b) that would allow an EMS agency to label stationhouses as the types of location that would be considered a ''designated location'' of the EMS agency. Additionally, only agency locations that satisfy the proposed regulation's definition of stationhouse (*i.e.,* enclosed structures housing EMS agency vehicles within the state of the emergency medical services agency's registration, and which are actively and primarily being used for emergency response) may be selected as ''designated locations'' by EMS agencies that are registered with DEA. Thus, for example, a location that serves primarily as a residence (such as a house or apartment building) does not meet the proposed definition of a stationhouse and may not be selected as a ''designated location'' by an EMS agency that is registered with DEA. In contrast, a building that is actively serving primarily to house the equipment of a county fire and rescue department, for example, is a stationhouse under the proposed rule (and thus may be selected as a ''designated location'' by an EMS agency that is registered with DEA) regardless of whether such building is also used for overnight accommodation by EMS personnel.

As discussed above, the provisions of proposed § 1301.20(b) outline the process by which a stationhouse is ''designated'' under an existing EMS agency registration. This notification must occur at least 30 days prior to the first delivery of controlled substances to the unregistered designated location of the agency. Unless an objection is raised by DEA, an unregistered location automatically becomes a designated location of the agency 30 days after notification of the designated location is made to DEA.

Additionally, parts of proposed § 1301.80 would codify in DEA regulations the Act's list of the locations where a registered EMS agency may store controlled substances. *See* 21 U.S.C. 823(j)(6). The permissible locations include both the registered and designated location(s) of the agency, and inside an EMS vehicle situated at a registered location or designated location of the agency. Furthermore, the controlled substances may be stored inside any EMS vehicle used by the agency that is traveling from or returning to a registered or designated location of the agency. *Id.* These provisions directly incorporate the Act and make it clear to registrants that under the specified conditions, DEA is allowing the transportation of controlled substances between both registered and designated locations of the agency.

D. Emergency Medical Services Vehicles

Both the Act and the proposed definition of emergency services vehicles in § 1300.06 define EMS vehicles as ambulances, fire apparatus, supervisor trucks, or other vehicles used by an EMS agency for the purpose of providing or facilitating emergency medical care and transport or transporting controlled substances to and from the registered and designated locations. *See* 21 U.S.C. 823(j)(13)(F). Under the control of the consultant practitioner registration or hospital registration, controlled substances can be supplied to and stored in an EMS vehicle. Proposed § 1301.80 allows a registered EMS agency to store controlled substances in an EMS vehicle located at a registered location, a designated location, or in an EMS vehicle used by the agency that is traveling from, or returning to, a registered or designated location of the agency in the course of responding to an emergency, or otherwise actively in use by the agency.

E. Proposed Changes to Recordkeeping Requirements

1. Records and Inventories

The transportation of controlled substances for administration to EMS patients presents unique recordkeeping concerns. With regard to non-practitioners that transport controlled substances (*e.g.,* manufacturers, distributors, exporters, importers), DEA can track the movement of the controlled substances through recordkeeping and reporting requirements within the two-registrant integrity system. Generally, the registrant that transports controlled substances maintains a record of, and would report delivery of the controlled substances, while the registrant that receives the controlled substances must account for the received controlled substances. Every registrant is required to maintain complete and accurate records of each substance manufactured, imported, received, sold, delivered, exported, or disposed of. 21 CFR 1304.21(a). This two-registrant integrity system provides an effective means of protection against diversion in that the transfer of the controlled substances shall be verified by two separate registrants, thus helping to ensure that controlled substances are not diverted for illicit use.

EMS agencies are typically the last registrants to possess controlled substances prior to administering to a patient at the scene of an emergency. As such, the two-registrant integrity system does not exist beyond the transfer to an EMS agency, in the traditional sense of registrant recordkeeping. Therefore, DEA is proposing recordkeeping regulations for EMS agencies to incorporate the Act's CSA amendments regarding recordkeeping, and to ensure an accurate accounting of the controlled substances outside the two-registrant integrity system.

DEA proposes § 1304.03(i) to require EMS agencies to maintain records of the EMS personnel whose State license or certification gives them the ability to administer controlled substances, in compliance with their State laws. Because states have differing requirements for the ability to handle controlled substances, maintaining records of employees authorized to handle controlled substances will help DEA identify the source of any diversion occurring at EMS agencies.

Proposed § 1304.03(i) is not based directly on the text of the Act, but instead on DEA's general authority under the CSA to prevent diversion of controlled substances by requiring registrants to maintain records. *See* 21 U.S.C. 823(j)(12)(B) (nothing in the Act is to be construed to limit the authority of the Attorney General to take measures to prevent diversion).

a. Restocking

Following an emergency response where controlled substances were administered, EMS personnel may not have enough time to return to their stationhouse to restock their EMS vehicle with controlled substances. Depending on the circumstances, the stationhouse may be a considerable distance from the hospital where the EMS personnel brought a patient, or the volume of emergencies may be so great that the ambulance does not have time to return to the stationhouse. Rural EMS systems in the United States may face transport distances of 20 to 100 miles to the nearest hospital.[10] Thus, the Act allows non hospital-based EMS agencies to receive controlled substances from a hospital for the purpose of restocking an EMS vehicle following an emergency response. 21 U.S.C. 823(j)(8). DEA's proposed § 1307.14(a) codifies this allowance in DEA regulations.

b. Maintenance of Records

Under § 1304.04(a), controlled substance records for all DEA registrants are required to be maintained for at least two years from the date of such inventory or records. Under this proposed rule, DEA would require maintenance of records of deliveries of controlled substances between all locations of the agency. Following the Act, 21 U.S.C. 823(j)(9)(B)(ii), DEA also proposes in § 1304.04(a)(5) to require that records be maintained, whether electronically or otherwise, at each registered and designated location of the agency where the controlled substances involved are received, administered, or otherwise disposed of.

Because EMS agencies have a unique registration that differs from other types of registrants, DEA is also proposing to add a new section to its regulations that describes the additional recordkeeping requirements applicable to EMS agencies. Consistent with the Act's amendments to the CSA, 21 U.S.C. 823(j)(9), proposed § 1304.27(a) would require an EMS agency to maintain records for each controlled substance administered or disposed of in the course of providing emergency medical services. Under proposed § 1304.27(a), any EMS personnel who disposes of or administers controlled substances to a patient in the course of providing emergency medical care must record the name of the controlled substance(s) and detailed information about the circumstances surrounding the administration of the controlled substance(s) (*e.g.,* name of the substance, date dispensed, identification of the patient). EMS personnel do not have independent authority to administer controlled substances; therefore, more stringent recordkeeping requirements are necessary when allowing administration of controlled substances without direct oversight.

DEA proposes in § 1304.27(b)(3) that an EMS agency must maintain records of controlled substances delivered between registered and designated locations of the agency (except agencies restocking at the hospital under which the EMS agency is operating, because the hospital is required to keep records of such restocking). These records, for example, should include the name of the controlled substance(s), finished form, number of units in the commercial container, date delivered, and the address of the EMS agency location where the controlled substances were delivered. In the event of theft or loss of controlled substances, registrants must report such occurrence in accordance with the theft and loss reporting requirements of 21 CFR part 1304.

Finally, under 21 U.S.C. 823(j)(8)(c) of the Act, designated locations of an EMS agency must notify the registered location of their EMS agency within 72 hours of receiving controlled substances from a hospital for the purpose of restocking an EMS vehicle following an emergency response. DEA's proposed § 1304.27(c) would codify this requirement in DEA regulations. However, EMS agencies that operate under a hospital-based registration and receive restock of controlled substances from the hospital under which the agency is operating would be exempt from these requirements. In this specific instance, under proposed § 1307.14(a)(2), hospitals would already have a record of the controlled substances that the hospital delivered to the EMS agency operating under that hospital's registration. As such, it would be duplicative to require that EMS agency to obtain a receipt of those controlled substances because the EMS agency would be reporting receipt of the controlled substances back to the hospital that issued the controlled substances in the first place.

F. Proposed Changes for Security Requirements

1. Security Controls

Every DEA registrant must follow certain security requirements to prevent the theft or loss of controlled substances, and the Act authorizes the Attorney General to issue regulations specifying the manner in which controlled substances must be stored by EMS agencies. 21 U.S.C. 823(j)(11)(B). Pursuant to this authorization, DEA proposes to implement physical security requirements for EMS agencies similar to those already established for practitioners in § 1301.75. Although § 1301.75 addresses general physical security controls for practitioners, EMS agencies have some unique security concerns that require additional security controls as discussed below.

a. Storage of Controlled Substances

Pursuant to its authorization under the Act to issue regulations regarding EMS agencies' storage of controlled substances, DEA proposes to add § 1301.80 to address additional security concerns for EMS agencies. First, although designated locations of EMS agencies are not individually registered, they are allowed to store controlled substances in certain secured locations. Proposed § 1301.80(a)(1) through (4) specifies the locations within an EMS agency where controlled substances may be stored, and implements the Act's allowance in 21 U.S.C. 823(j)(6) of storage at EMS registered locations, at designated locations, inside of EMS vehicles stationed at registered or designated locations, and inside of EMS vehicles that are actively in use by the agency.

In addition, DEA proposes to add § 1301.80(b) to allow two options for storage components in which EMS agencies may store controlled substances. This change is not taken directly from the Act's statutory amendments to the CSA, but instead implements the Act's authorization to the Attorney General to ''specify . . .

[10] Williamson, H.A., Jr. (2001). Emergency Care. In J.P. Geyman, T.E. Norris & L.G. Hart (Eds.), *Textbook of Rural Medicine* (pp. 93–102). New York: The McGraw-Hill Companies, Inc.

the manner in which [controlled] substances must be stored at registered and designated locations, including in EMS vehicles.'' 21 U.S.C. 823(j)(11)(B).

The first option in proposed § 1301.80(b)(1) would allow for an EMS agency to store controlled substances in a securely locked, substantially constructed cabinet or safe that cannot be readily removed. This storage component must be located at a secured location, as stated in proposed § 1301.80(i).

The second option in proposed § 1301.80(b)(2) would allow an EMS agency to store controlled substances in an automated dispensing system (ADS) machine, under specific conditions. An ADS is ''a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transactions in information.'' 21 CFR 1300.01. Currently, DEA regulations permit retail pharmacies to install and operate ADS machines at long-term care facilities as a way of preventing the accumulation of surplus controlled substances at those facilities. *See id.* § 1301.27. At an EMS agency registered or designated location, an ADS machine effectively would serve as a controlled substance storage locker with advanced capabilities and would provide a mechanism for storing stocks of controlled substances before they are secured in emergency vehicles as well as for monitoring the dissemination of those substances.

The proposed conditions in § 1301.80(b)(2) under which an EMS agency could use an ADS machine to store controlled substances include the following: (1) The ADS machine must be located at an EMS agency registered location or designated location; (2) the EMS agency cannot permit any entity other than the registered EMS agency to install and operate the ADS machine; (3) the ADS machine cannot be used to directly dispense controlled substances to an ultimate user; and (4) EMS agency must operate the ADS machine in compliance with requirements of State law. It is necessary that access to the ADS machine be limited to employees of the EMS agency in order to account for and monitor dissemination of controlled substances.

In sum, proposed § 1301.80(b) would provide alternative options for short-term or long-term storage of controlled substances that are actively being transported or stored in a fixed location.

b. Delivery

As discussed in Section C, the Act allows for controlled substances to be delivered between a registered location and a designated location of an EMS agency. 21 U.S.C. 823(j)(5). Also, pursuant to its authorization to issue regulations regarding the delivery of controlled substances under 21 U.S.C. 823(j)(11), DEA proposes that medical directors determine who accepts deliveries of controlled substances because medical directors provide oversight for EMS agencies. Specifically, proposed § 1301.80(c) would require that the delivery of controlled substances at a registered or designated location be accepted by a medical director of the agency or a person designated in writing by the medical director. For record keeping purposes of the delivery of controlled substances, proposed § 1304.27(b)(3) would require the medical director of the agency or designated person accepting the controlled substances to provide their signature, title, date received, quantity, and any additional information required. The proposed regulations specify the requirements that would be set forth regarding the delivery of controlled substances for emergency medical services.

G. Proposed Administration Requirements

DEA proposes to add § 1306.07(e), which implements 21 U.S.C. 823(j)(4) in DEA regulations, allowing EMS professionals of registered EMS agencies to administer controlled substances outside the physical presence of a medical director or authorizing medical professional in the course of providing emergency medical services.[11] Medical directors and EMS professionals authorized to administer controlled substances under their State license may administer controlled substances in the course of providing emergency medical services. However, under 21 U.S.C. 823(j)(4) and proposed § 1306.07(e), an EMS professional who is outside the physical presence of a medical director or authorizing medical professional must not only have authority from their EMS agency to administer controlled substances, but such administration must also be pursuant to a proper standing or verbal order issued and adopted by one or more medical directors of the agency, as discussed below.

1. Standing Orders

Many agencies have given their EMS personnel the autonomy to administer controlled substances in the event of an emergency by establishing what is commonly known as a standing order. The Act defines a standing order as a written medical protocol in which a medical director determines in advance the medical criteria that must be met before administering controlled substances to individuals in need of emergency medical services. 21 U.S.C. 823(j)(13)(M). DEA's proposed § 1300.06 incorporates this definition into DEA regulations.

The Act and proposed § 1306.07(e) would allow standing orders to be used by EMS professionals. Under both the Act and the proposed regulation, such EMS professionals must be authorized by their individual State to administer controlled substances. *See* 21 U.S.C. 823(j)(4). Standing orders that are developed by a state authority may be issued and adopted by the medical director of an EMS agency. Under the Act and proposed § 1306.07(e), only the medical director of an EMS agency is given the authority to issue and adopt a standing order. *See* 21 U.S.C. 823(j)(4). Also, under both the Act and proposed § 1306.07(e), the EMS agency is required to maintain a record of the standing orders issued and adopted by a medical director at the registered location of the agency. 21 U.S.C. 823(j)(10)(D).

2. Verbal Orders

In the absence of standing orders, EMS personnel may receive a verbal order. Under the Act and proposed § 1300.06, a verbal order is an oral directive through any method of communication including by radio or telephone, directly to an EMS professional, to contemporaneously administer a controlled substance to individuals in need of emergency medical services outside the physical presence of the medical director or authorizing medical professional. *See* 21 U.S.C. 823(j)(13)(N). The Act and proposed § 1300.06 define ''authorizing medical professional'' as an emergency or other physician, or other medical professional (including an advanced practice registered nurse or physician assistant) who is registered under 21 U.S.C. 823, who is acting within the scope of the registration, and whose scope of practice under a State license

[11] Currently, the regulations in 21 CFR part 1306 relate primarily to prescriptions, and thus 21 CFR 1306.01 states part 1306's scope as generally consisting of ''[r]ules governing the issuance, filling and filing of prescriptions pursuant to . . . 21 U.S.C. 829.'' Because DEA is proposing to add provisions related to the administration of controlled substances by EMS agencies to part 1306, DEA is also proposing to amend § 1306.01 to broaden part 1306's stated scope to ''the process and procedures for dispensing, by way of prescribing and administering controlled substances to ultimate users.''

or certification includes the ability to provide verbal orders. *See* 21 U.S.C. 823(j)(13)(A).

Under the Act and proposed § 1306.07(e), an EMS professional may administer directly a controlled substance in schedules II–V outside of the presence of a practitioner in the course of providing emergency medical services if the administration is authorized by State law and is pursuant to a verbal order that is issued in accordance with the policy of the agency. Such authorization must be provided by a medical director or authorizing medical professional in response to a request by the EMS professional with respect to a specific patient, either in the case of a mass casualty incident, or to ensure the proper care and treatment of a specific patient. Under proposed § 1307.15 and consistent with the Act under 21 U.S.C. 823(j)(4)(B), EMS agencies must contact the Special Agent in Charge (SAC) for the area or DEA Headquarters Diversion Control Division for approval of shortages, public health emergencies, or mass casualty events.

III. Regulatory Analyses

As explained above, DEA is issuing this proposed rule to amend its regulations in order to make them consistent with the changes made to the CSA by the ''Protecting Patient Access to Emergency Medications Act of 2017,'' and to otherwise implement the Act's requirements. DEA conducted an analysis of the statutory and regulatory changes of this proposed rule, the results of which are discussed below.

Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), and 13771 (Reducing Regulation and Controlling Regulatory Costs)

This proposed rule was developed in accordance with the principles of Executive Orders (E.O.) 12866, 13563, and 13771. E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distributive impacts; and equity). E.O. 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in E.O. 12866. E.O. 12866 classifies a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB), as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

DEA expects that the annual economic impact of this proposed rule, in the form of changes in transfers, to range from a decrease of $302,885 to an increase of $550,612 at a 7 percent discount rate; or from a decrease of $379,584 to an increase of $690,043 at a 3 percent discount rate. Fees paid to DEA are considered transfer payments and not costs.[12] Annual changes in labor burden costs as a result of this proposed rule are expected to range from a decrease of $12,696 to an increase of $42,782 at a 7 percent discount rate; or from decrease of $16,253 to an increase of $49,879 at a 3 percent discount rate. Therefore, this proposed rule is not an economically significant regulatory action. The analysis of transfers, cost savings, and benefits is below. The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined, and while the proposed rule is not economically significant, it has been determined that it is a significant regulatory action under E.O. 12866. Accordingly, this rule has been submitted to OMB for review.

E.O. 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017, and published in the **Federal Register** on February 3, 2017. 82 FR 9339. Section 2(a) of E.O. 13771 requires an agency, unless prohibited by law, to identify at least two existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation. In furtherance of this requirement, section 2(c) of E.O. 13771 requires that the new incremental costs associated with new regulations, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. Guidance from OMB, issued on April 5, 2017, explains that the above requirements only apply to each new ''significant regulatory action that . . . imposes costs.'' Additionally, this guidance states that ''Generally, 'one-time' regulatory actions (*i.e.,* those actions that are not periodic in nature) that expand consumption and/or production options would qualify as E.O. 13771 deregulatory actions.'' While DEA has determined that this proposed rulemaking is a ''significant regulatory action,'' DEA anticipates that it will be classified as an enabling rule by OMB because it allows EMS agencies to consolidate many registrations in the same State under a single registration, and EMS personnel to administer controlled substances in schedules II–V pursuant to a standing or verbal order, which was previously not authorized. Therefore, this proposed rule is not expected to be an E.O. 13771 regulatory action.

Analysis of the Proposed Rule's Economic Impact

DEA analyzed the impact of the following provisions of the proposed rule: Allowing EMS agencies to register under the CSA with a single registration for each State in which an agency operates, along with the proposed security and recordkeeping requirements for such a registrant; allowing EMS personnel to administer controlled substances in schedules II–V outside the presence of a medical director or authorizing medical professional when authorized in the State and pursuant to a standing or verbal order; and allowing EMS agencies and hospitals to transfer controlled substances between each other in order to restock EMS vehicles or to deliver controlled substances in the event of shortages, public health emergencies, or mass casualty events. Additionally, this proposed rule is incorporating into regulation several new terms defined in the Act.

Benefits of the proposed rule are expected to be generated by reducing regulatory uncertainty among EMS agencies and personnel regarding the administration, transfer, and disposal of controlled substances, and these benefits will be discussed qualitatively. By allowing EMS registrants to consolidate multiple registrations into a single registration for each State in which they currently operate, there will be a resulting reduction in transfer payments for current registrants. The proposed rule may also result in an increase in transfer payments for EMS agencies that are currently not separately registered. The expected net change in transfer payments is quantified below. There are also labor

[12] OMB Circular A–4.

burden costs associated with obtaining a DEA registration for any EMS agencies that must become separately registered after this rule is promulgated. These costs or cost savings are discussed and quantified below. DEA expects the recordkeeping and security requirements of this proposed rule to have no impact, as they are codifications of existing practice among EMS agencies. Finally, the newly defined terms being incorporated into regulation by this proposed rule will have no impact on regulated entities.

Registrations for Emergency Medical Services Agencies

While this proposed rule is allowing for a new registration category for EMS agencies that handle controlled substances, many EMS agencies have already obtained separate DEA registrations as ''Mid-level Practitioner—Ambulance Service'' (MLP–AS).[13] As of November 2019, there were 3,521 MLP–AS registrants, 1,413 of which are private sector entities that pay a registration fee of $731 every three years. The remaining 2,108 are governmental entities that are fee-exempt. DEA reviewed its registration database and determined that 395 of the 1,413 fee-paying registrations are held by EMS agencies with other existing registrations in the same State. Because the proposed rule allows EMS agencies to obtain a single registration for each State in which they operate, these 395 registrations can be consolidated under other existing registrations, reducing the total amount of registration fees collected by DEA. The resulting annual reduction in transfer payments from registrants to DEA amounts to $96,248.[14]

Similarly, of the 2,108 fee-exempt registrations, 411 can be consolidated into an agency's existing registration in the same State, reducing the labor-related paperwork burden for these agencies, as they no longer need to complete multiple registration renewal applications for the same State every three years. Combining the 411 fee-exempt registrations with the 395 fee-paying registrations results in a total of 806 registration renewal applications that are eliminated. The resulting annual cost savings generated from this reduction in labor burden is $3,026.[15]

DEA assumes that all other EMS agencies not registered as MLP–AS currently operate under the registration of another DEA registrant in one of two ways: A DEA registered practitioner, typically a licensed physician, serves as the medical director of the EMS agency; or for EMS agencies operated by hospitals, the agency will utilize that hospital's registration. In the latter case, hospital-based EMS agencies can continue to operate under the registration of their hospital after promulgation of this proposed rule. In the former case, practitioners who serve as the medical director of an EMS agency may utilize a single registration for their personal place of business and EMS agency locations,[16] or they may hold practitioner registrations separate from their personal place of business registration for each EMS agency location that they oversee. Because this proposed rule allows a medical director holding multiple registrations to transfer those existing registrations directly to one EMS agency, EMS agencies operating under this arrangement will not need a new registration. However, for EMS agencies currently operating under their medical director's registered personal place of business, a new EMS agency registration for each state in which they operate will be required. Additionally, affected non-governmental EMS agencies must pay the $731 registration fee.

Accurately measuring how many EMS agencies fall into the two aforementioned categories is not possible using DEA registration data, because DEA has not historically collected data on how many practitioners hold multiple registrations for the purposes of serving as the medical director of an EMS agency. Therefore, DEA chose to estimate how many new registrations will be required by considering the entire range of possible scenarios, and calculated the outcome if either 0 percent, 50 percent, or 100 percent of EMS agencies will receive a transferred practitioner registration from their medical director. While DEA cannot accurately assess the likelihood of each of these scenarios given the lack of available data, DEA considers the 50 percent scenario to be the most plausible of the three estimates because it is the mid-point of the upper and lower bounds.

In order to calculate the range of impacted entities, DEA must first estimate the total population of EMS agencies active in the United States. Because DEA registration data are insufficient for these purposes, DEA used the latest data available from the National Highway Traffic Safety Administration's (NHTSA) Office of EMS. According to an NHTSA research note published in 2014,[17] there are an estimated 21,283 governmental and non-governmental EMS agency locations throughout the United States. The 21,283 figure is NHTSA's estimation of the total population using data gathered from 49 of 50 States.[18]

DEA then analyzed its registration database to match current MLP–AS registrants with the corresponding EMS organizational types defined in the NHTSA research note.[19] Because the survey data used by NHTSA to develop these organizational types did not include California (CA), Illinois (IL), Washington (WA), or Virginia (VA), the total number of EMS agency locations categorized by type amounts to 15,516 instead of the total 21,283 estimated EMS agency locations throughout the United States. DEA assumes that the distribution of EMS agencies by

[13] These existing registrations will be transitioned to the new ''Emergency Medical Services Agency'' registration category created by this proposed rule.

[14] 395 × $731 = $288,745. Dividing this figure by three to account for the three-year registration cycle, and rounding to the nearest whole dollar gives $96,248.

[15] *See* approved burden estimates for DEA form 224A within the 1117–0014 Supporting Statement *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201903-1117-005*. This labor burden estimate is derived by multiplying the loaded hourly wage for physicians ($140.79) by the hour burden per electronic DEA form 224A (0.08), by the estimated number of forms (806). The product ($9,078.14) is then divided by three in order to account for the three-year registration renewal period, and rounded to the nearest whole dollar. The loaded hourly wage of $140.79 is based on the median hourly wages for Occupation Code 29–1069 Physicians and Surgeons, All Other ($96.58). May 2018 National Occupational Employment and Wage Estimates, United States, Bureau of Labor Statistics, *https://www.bls.gov/oes/current/oes_nat.htm#29-1069* (last visited November, 2019). Average benefits for employees are 31.4 percent of total compensation. Employer Costs for Employee Compensation—June, 2019, Bureau of Labor Statistics, *https://www.bls.gov/news.release/pdf/ecec.pdf* (last visited November, 2019). The 31.4 percent of total compensation equates to a 45.77 percent (31.4/68.6) load on wages and salaries. $96.58 × (1 + 0.4577) = $140.79.

[16] Under this scenario, the EMS agency must pick up controlled substances from the practitioner's personal place of business.

[17] *https://www.ems.gov/pdf/812041-Natl_EMS_Assessment_2011.pdf*. The comprehensive national assessment that this research note is based on, the first of its kind, has not been updated since 2011. Prior to this national assessment, data on the number and type of EMS agencies operating throughout the United States was fragmented and considered to be inaccurate. Therefore, DEA considers this is the most accurate data regarding EMS agency demographics available.

[18] CA data were not available.

[19] The NHTSA research note breaks down the demographics of EMS agencies into the following organizational types: ''Fire-Department-Based,'' ''Governmental Non-Fire-Based,'' ''Hospital-Based,'' ''Private Non-Hospital,'' ''Tribal,'' ''Other EMS Agency,'' and ''Emergency Medical Dispatch.'' The ''Other EMS Agency'' organizational type is not defined in the research note or national assessment survey on which the research note is based; however, for the purposes of this analysis, DEA considers this category to be made up of private sector entities. The ''Emergency Medical Dispatch'' category is excluded from this analysis because dispatch agencies will not be required to obtain a DEA registration.

organizational type in CA, IL, WA, and VA broadly matches the national distribution. Therefore, DEA adjusted for this missing data by calculating the percent of the total for each organizational type for the 46 reporting States and applied those percentages to the estimated 21,283 EMS agencies in the entire United States.[20] DEA was then able to categorize current MLP–AS registrants as Fire-Department-Based, Governmental Non-Fire-Based, Private Non-Hospital, or Tribal, according to their registration name.[21]

It is reasonable to assume that a portion of these estimated EMS agencies not separately registered operate multiple locations in the same State. The NHTSA research note states that EMS agencies are ''licensed in each State to provide service to a specific location or service area. EMS service areas can be very large, as in a geopolitical boundary, such as a county, city or municipality, or as small as the local service area of a single EMS agency station.'' This definition suggests that the 21,283 total EMS agencies estimated by NHTSA includes EMS agencies operating multiple stations in the same State. Because only one registration is required for multiple ''agencies,'' as defined by NHTSA, DEA must adjust its calculation of the number of EMS agencies not separately registered to account for this.

In order to estimate how many EMS agencies not separately registered operate more than one location in a State, DEA used the existing MLP–AS registrant category as a model. It is reasonable to assume that the characteristics of the population of EMS agencies registered as MLP–AS are broadly representative of the characteristics of the population of EMS agencies that are not separately registered. As discussed previously, the fee-paying MLP–AS registrant category contains 1,413 registrations that can be consolidated into 1,018 registrations. Similarly, the fee-exempt category contains 2,108 registrations that can be consolidated into 1,697 registrations. DEA used these figures to calculate a State-level ''agency-to-location'' ratio of 0.72 for fee-paying registrants,[22] and 0.81 for fee-exempt registrants.[23] These ratios are then applied to the estimated 6,705 private-sector and 13,342 governmental EMS agency locations not separately registered with DEA, respectively, to determine the expected total number of EMS agencies that require separate registrations as a result of this proposed rule.[24] This calculation yields an estimated total of 15,634 EMS agencies that will be separately registered, 4,827 of which are fee-paying, and 10,807 of which are fee-exempt. Removing the 1,018 fee-paying and 1,697 fee-exempt MLP–AS registrants from these respective totals yields an estimated 3,809 fee-paying and 9,110 fee-exempt EMS agencies that must obtain a separate registration after this rule is promulgated. These calculations are summarized in table 1 below.

TABLE 1

EMS agency org type	Reported pop	% of reported pop	Est. pop	Est. number of reg*	Current MLP–AS	MLP–AS reg eliminated	Post-rule MLP–AS	Non-MLP–AS reg eliminated	Total reg eliminated	Fee status
Fire-Dep't-Based	6,388	41.17	8,762	7,097	1,145	251	894	1,414	1,665	Exempt.
Gov't Non-Fire	3,255	20.98	4,465	3,617	960	160	800	688	848	Exempt.
Hospital-Based	901	5.81	1,236	N/A	N/A	N/A	N/A	N/A	N/A	N/A.
Private Non-Hospital	3,910	25.20	5,363	3,861	1,413	395	1,018	1,107	1,502	Paying.
Tribal	84	0.54	115	93	3	0	3	22	22	Exempt.
Other EMS**	978	6.30	1,342	966	0	N/A	0	376	376	Paying.
Total	15,516	100	21,283	15,634	3,521	806	2,715	3,607	4,413	

* Figures in this column are calculated by multiplying the corresponding row of the Est. Pop column by either the fee-paying ''Agency-to-Location'' ratio of 0.72 or the fee-exempt ''Agency-to-Location'' ratio of 0.81, depending on each registrant's fee status reported in the Fee Status column.
** Category not defined in the 2011 National Assessment; assumed to be private-sector entities.

As discussed previously, DEA's methodology for estimating the number of new EMS agency registrations must account for situations in which a practitioner is currently using a single DEA registration to serve as the medical director of multiple EMS agency locations. Because DEA does not have the ability to identify how many EMS agencies are currently operating in this manner, DEA chose to calculate a range of between 0 percent and 100 percent of EMS agencies that may have a DEA registration transferred from a practitioner. If 100 percent of the estimated 3,809 fee-paying EMS agencies not separately registered are currently operating under a practitioner registration that will be transferred from their medical director, there will be no increase in fees (transfer payments) from these future registrants to DEA. If 0 percent of these 3,809 fee-paying EMS agencies operate under a practitioner registration that can be transferred from their medical director, there will be an increase in fees (transfer payments) of $928,126 to DEA on an annual basis.[25] Likewise, calculations for the 50 percent scenario yield an estimated increase in fees (transfer payments) of $464,185.[26]

Similarly, if 100 percent of the estimated 1,483 [27] fee-paying registrations able to be consolidated currently operate under a practitioner that is using a single DEA registration to serve as the medical director of an EMS, there will be an annual reduction in transfer payments of $361,358.[28] This transfer payment reduction is combined with the previously calculated reduction in transfers of $96,248 from the 806 MLP–AS registrations that will be consolidated, resulting in a total

[20] For example, of the 15,516 EMS agency locations reported to NHTSA by organizational type, 6,388 were Fire-Department-Based. 6,388 is 41.17 percent % of 15,516. 41.17 percent of 21,283 is 8,762. This calculation is repeated for each organizational type and the results are reported in the ''Est. Pop'' column of Table 1.

[21] In order to classify EMS agencies currently registered as MLP–AS as either ''Fire-Department-Based'' or ''Governmental Non-Fire-Based,'' DEA filtered all fee-exempt MLP–AS registrants into two groups based on whether their registration name contained the word ''fire.''

[22] 1,018/1,413 = 0.72.

[23] 1,697/2,108 = 0.81.

[24] An ''agency-to-location'' ratio is not applied to the estimated 1,236 hospital-based EMS agencies, beacuse this proposed rule does not impact their registration status.

[25] 3,809 × $731 = 2,784,379. This figure is divided by three in order to account for the three-year registration cycle, resulting in $928,126 (figure is rounded).

[26] 3,809 × .5 = 1,905 (rounded). (1,905 × $731)/3 = $464,185.

[27] Sum of the ''Private Non-Hospital'' and ''Other EMS'' rows of the Non-MLP–AS Registrations Eliminated column of Table 1. 1,107 + 376 = 1,483.

[28] 1,483 × $731 = $1,084,037. This figure is divided by three in order to account for the three-year registration cycle, resulting in $361,358.

reduction in transfers of $457,606. However, if 0 percent of agencies are operating in this manner, only the 806 MLP–AS consolidated registrations are relevant, resulting in a net increase in transfer payments of $831,878.[29] Calculations for the 50 percent scenario yield an estimated reduction in fees (transfer payments) of $277,049.[30] This results in a net increase of $187,136 for the midpoint scenario.[31] Therefore, DEA estimates the annual net change in transfer payments as a result of this proposed rule will range between a decrease of $457,606 and an increase of $831,878, with the midpoint of these estimates resulting in an increase of $187,136.

For the respective 0 percent, 50 percent, and 100 percent scenarios, DEA converted the estimated annual change in transfer payments calculated above into annualized present values at a 7 percent discount rate and a 3 percent discount rate over 12 years, or three registration cycles.[32] The results of this analysis are summarized below in Table 2.

TABLE 2

	100% of registrations Are transferred	50% of registrations are transferred	0% of registrations are transferred
Annual Change in Transfer Payments—MLP–AS (Consolidated)	$(96,248)	$(96,248)	$(96,248)
Annual Change in Transfer Payments—EMS not Separately Registered	0	464,185	928,126
Annual Change in Transfer Payments—EMS Not Separately Registered (Consolidated)	(361,358)	(180,801)	0
Net Annual Change in Transfer Payments	(457,606)	187,163	831,878
Annualized Net Change in Transfer Payments Over 12 Years (Discounted 7%)	(302,885)	123,864	550,612
Annualized Net Change in Transfer Payments Over 12 Years (Discounted 3%)	(379,584)	155,229	690,043

All figures are rounded.

Labor Burden of Applications for DEA Registrations and Renewals

As detailed previously, of the estimated 4,827 fee-paying EMS agency locations and 10,807 fee-exempt EMS agency locations not separately registered, only 3,809 and 9,110 (a total of 12,919) will require separate registrations after the promulgation of this proposed rule, respectively. If 100 percent of these 12,919 EMS agencies will have an existing practitioner registration transferred from their medical director, there will be a decrease in labor burden of $16,568,[33] due to the estimated 4,413 [34] unnecessary registration renewal applications that can be consolidated under one registration in a state. The previously calculated annual cost savings of $3,026 (*see* note 15) from the consolidation of existing MLP–AS registrants is added to this total, resulting in an annual total labor burden reduction of $19,594. DEA converted the $19,594 decrease in labor burden into an annualized present value of $12,969 at a 7 percent discount rate and $16,253 at a 3 percent discount rate over three registration cycles, or 12 years.[35]

However, if 0 percent of these 12,919 EMS agencies will have an existing practitioner registration transferred from their medical director, there will be a one-time increase in labor burden of $272,830 [36] due to the initial registration application paperwork for 12,919 registrants, and a triennial labor burden increase of $136,431,[37] due to 12,919 registration renewals every three years. DEA converted the one-time burden of $272,830 and the triennial burden of $136,431 into an annualized present value of $42,782 at a 7 percent discount rate and $49,879 at a 3 percent discount rate over three registrations cycles, or 12 years.[38]

Finally, under the 50 percent scenario, there will be a one-time increase in labor burden of $136,426 [39] due to the initial registration application paperwork for 6,460 registrants, and a triennial labor burden increase of $38,824,[40] due to 4,253 registration renewals every three years. DEA converted the one-time burden of

[29] $928,126 (calculated in note 25) − $96,248 = $831,878.

[30] 1,483 × .5 = 742 (rounded). ((742 x $731)/3) + $96,248 = $277,049.

[31] $464,185 (calculated in note 26) − $277,049 = $187,136.

[32] The present value of $(457,606) over 12 years equals $(3,634,620.91) at 7 percent and $(4,555,011.95) at 3 percent. The present value of $831,878 over 12 years equals $6,607,305.99 at 7 percent and $8,280,516.93 at 3 percent. The present value of $187,136 over 12 years equals $1,486,362.54 at 7 percent and $1,862,752.49 at 3 percent. Dividing these respective results by 12 to account for three registration cycles yields the annualized net change in transfer payments found in Table 2.

[33] *See* approved burden estimates for DEA form 224A within the 1117–0014 Supporting Statement *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201903-1117-005.* This labor burden estimate is derived by multiplying the loaded hourly wage for physicians ($140.79) by the hour burden per electronic DEA form 224A (0.08), by the estimated number of forms (4,413). The product ($49,704.50) is then divided by three in order to account for the three-year registration renewal period.

[34] As calculated previously, there are 395 fee-paying and 411 fee-exempt MLP–AS registrations that will be consolidated under a single registration in a State. Of the EMS agencies that are not separately registered, an estimated 3,607 can be consolidated under a single registration in a State. Combining 806 with 3,607 results in 4,413.

[35] The present value of $19,594 over 12 years equals $195,038.75 at 3 percent and $155,629 at 7 percent. Dividing these results by 12 to account for three registration cycles yields the annualized present values.

[36] *See* approved burden estimates for DEA form 224 within the 1117–0014 Supporting Statement *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201903-1117-005.* This labor burden estimate is derived by multiplying the loaded hourly wage for physicians ($140.79) by the hour burden per electronic DEA form 224 (0.15), by the estimated number of forms (12,919). The result is rounded.

[37] *See* approved burden estimates for DEA form 224A within the 1117–0014 Supporting Statement *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=201903-1117-005.* This labor burden estimate is derived by multiplying the loaded hourly wage for physicians ($140.79) by the hour burden per electronic DEA form 224A (0.08), by the estimated number of forms (12,919), resulting in $145,509.28. This figure is reduced by $9,078 to account for the triennial cost savings from the consolidation of existing MLP–AS registrants calculated in note 15, resulting in $136,431.

[38] The present value of $272,830 in year 1 and $136,431 in years 4, 7, and 10 equal $598,549.04 at 3 percent and $513,380.84 at 7 percent discount rates. Dividing these results by 12 to account for three registration cycles yields the annualized present values.

[39] 12,919 × 0.5 = 6,460 registrants. $140.79 × 0.15 × 6,460 = $136,426. The result is rounded.

[40] (12,919 × 0.5) − (4,413 × 0.5) = 4,253. $140.79 × 0.08 × 4,253 = $47,902 (rounded). This figure is reduced by $9,078 to account for the triennial cost savings from the consolidation of existing MLP–AS registrants calculated in note 15, resulting in $38,824.

$136,426 and the triennial burden of $38,824 into an annualized present value of $16,753 at a 7 percent discount rate and $18,950 at a 3 percent discount rate over three registration cycles, or 12 years.[41]

Table 3 summarizes the estimated net change in labor burden cost for both scenarios as a result of this proposed rule.

TABLE 3

	100% of registrations are transferred	50% of registrations are transferred	0% of registrations are transferred
Annualized Net Change in Labor Burden Over 12 Years (Discounted 7%)	$(12,969)	$16,753	$42,782
Annualized Net Change in Labor Burden Over 12 Years (Discounted 3%)	(16,253)	18,950	49,879

Security and Recordkeeping Requirements

Because some EMS agencies are currently registered under the practitioner business activity as MLP–AS, this proposed rule adopts similar physical security controls for EMS agencies as practitioners. EMS agencies will be authorized to store controlled substances at EMS registered locations and designated locations inside of a securely locked, substantially constructed cabinet or safe that cannot be readily removed or an automated dispensing system; inside EMS vehicles stationed at registered or designated locations; and inside EMS vehicles that are actively in use by the agency. DEA expects currently unregistered EMS agencies to be operating in a similar manner as registered MLP–AS, and such EMS agencies are already in compliance with the minimum physical security requirements outlined above. Therefore, DEA expects the physical security requirements of this proposed rule to be a codification of existing practice that will impose no costs.

The recordkeeping provisions of this proposed rule require EMS agencies to record the details of any administration, disposal, acquisition, distribution, or delivery of controlled substances and make these records readily retrievable. DEA believes that EMS agencies are already collecting and storing these records as a normal course of their business operations, and therefore these recordkeeping requirements will have no economic impact on EMS registrants. Designated EMS locations with vehicles that restock controlled substances at a hospital after an emergency event or receive controlled substances from another designated location must also notify the registered location of the EMS agency within 72 hours. Because designated EMS locations have 72 hours to notify registered locations, and because designated and registered locations are likely to communicate on a more frequent basis during their normal course of business, DEA does not expect these events to require any additional communication between designated and registered locations. Therefore, this provision will also have no economic impact on EMS registrants. DEA requests comment on the impact of this proposed rule's recordkeeping requirements.

Reducing Regulatory Uncertainty

Prior to the CSA amendments of the ''Protecting Patient Access to Emergency Medications Act of 2017,'' the CSA did not explicitly explain exactly how its rules governing the administration, disposal, delivery, acquisition, and distribution of controlled substances applied to EMS agencies. Most adhered to rules governing mid-level practitioners in the absence of regulation that addressed the unique circumstances of EMS operations, and advocacy groups frequently highlighted their concerns regarding the need for regulations to specifically address EMS operations.

With the Act, and this proposed rule codifying the resulting CSA amendments into DEA regulation, EMS registrants have clear rules that direct their behavior regarding controlled substances. DEA expects there to be benefits resulting from this reduction in regulatory uncertainty, especially the explicit authorization of standing and verbal orders, by allowing EMS vehicles to restock their supply of controlled substances at hospitals following an emergency, and by allowing EMS vehicles and hospitals to transfer controlled substances between each other in the event of a shortage, public health emergency, or mass casualty event. DEA does not have a method to quantify the impact of these reductions in regulatory uncertainty; however, DEA believes the regulatory clarity provided by this proposed rule will result in a benefit to EMS agencies, EMS professionals, and the public. Furthermore, due to the Act and proposed rule's authorization of standing and verbal orders afforded to EMS personnel which was previously not authorized, DEA considers this rule to be an enabling rule for the purposes of E.O. 13771.

Executive Order 12988, Civil Justice Reform

The proposed regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to eliminate ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This rulemaking does not have federalism implications warranting the application of Executive Order 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This proposed rule does not have tribal implications warranting the application of Executive Order 13175. It does not have direct effects on one or more Indian tribes via Indian Health Services.

Regulatory Flexibility Act

The Administrator, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612) (RFA), has reviewed this rule and by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. This proposed rule will have no bearing in reference to costs associated with registration fees.

[41] The present value of $136,426 in year 1 and $38,824 in years 4, 7, and 10 equal $227,403.22 at 3 percent and $201,033.37 at 7 percent discount rates. Dividing these results by 12 to account for three registration cycles yields the annualized present values.

All fees will be substantially the same irrespective of status, as there is no distinction in fee, when an applicant requests registration or modification for an EMS agency.

The RFA requires agencies to analyze options for regulatory relief of small entities unless it can certify that the rule will not have a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. DEA evaluated the impact of this rule on small entities, and discussions of its findings are below.

As discussed in the above economic analysis of the proposed rule, because DEA is not able to identify how many EMS agencies currently operate under the practitioner registration of their medical director, DEA chose to assess the impact of this proposed rule by considering the full range of possible scenarios. Thus, DEA considered the impact of the proposed rule if 0 percent, 50 percent, or 100 percent of EMS agencies receive an existing DEA registration from a practitioner. For the purposes of this analysis, DEA conservatively assumes that 0 percent of EMS agencies will have a DEA registration transferred from a practitioner because this is the scenario with the largest possible economic impact on affected entities, including small entities.

There are three types of EMS agencies that are affected by this proposed rule: hospital-based, private, and governmental. Of these types, some agencies currently hold their own DEA registrations while others operate under the registration of another DEA registrant. As detailed previously, DEA estimated that 3,809 private EMS agencies and 9,110 governmental EMS agencies are currently not separately registered with DEA, while 1,018 private EMS agencies and 1,697 governmental EMS agencies are currently registered with DEA. Additionally there are an estimated total of 1,236 hospital entities [42] that are affected by this proposed rule. DEA assumes all EMS agencies are affected in some way by this proposed rule, therefore, this proposed rule is expected to affect a substantial number of small entities.

These three types of entities are affected by at least one of the following four quantifiable impacts of the proposed rule: registration fees, recordkeeping and security requirements, the labor burden of obtaining a DEA registration, and the labor burden of renewing a DEA registration. Only the 4,827 private EMS agencies are affected by registration fees. Governmental EMS agencies are fee-exempt and hospital-based agencies can continue to operate under their hospital's registration. All three types of entities, whether separately registered or not, are affected by the security and recordkeeping requirements of the proposed rule. However, there is no impact because these entities are expected to already be in compliance with these requirements. Both the estimated 3,809 private agencies and 9,110 governmental agencies not separately registered must incur the labor burden of registering and renewing their registration with DEA every three years. Hospital-based agencies already incur this labor burden, and this proposed rule will have no further impact on these entities. The following table summarizes the estimated impact of the provisions of the proposed rule for each type of EMS agency.

TABLE 4—PROVISIONS OF PROPOSED RULE

	Registration fees		Records & Security		DEA form 224		DEA form 224A	
	Affected entities	Impact per entity [43]	Affected entities	Impact per entity	Affected entities	Impact per entity [44]	Affected entities	Impact per entity [45]
Hospital-based EMS	N/A	N/A	1,236	$0	N/A	N/A	N/A	N/A
Private EMS	3,809	218	4,827	0	3,809	21	3,809	4
Government EMS	N/A	N/A	10,807	0	9,110	21	9,110	4

DEA compared the combined annual economic impact per entity of the proposed rule with the annual revenue of the smallest of small entities in each affected industry sector. For each of the affected industry sectors, the annual increase was not more than 0.6 percent of average annual revenue for the smallest entities. The table below summarizes the results.

TABLE 5

NAICS code	NAICS code description	Number of affected entities	Number of smallest affected entities	Average revenue per smallest entity	Annual impact per entity ($)	Impact % of revenue
622110	General Medical and Surgical Hospitals	1,236	20	$190,600	$0	0.00%
621910	Ambulance Services	16,239	373	44,150	243	0.55%

[42] DEA does not have the ability to identify how many hospital registrants operate an EMS agency under the hospital's registration. However, DEA used NHTSA's national EMS assessment data to estimate the total number of hospital-based EMS agencies to be 1,236 (see Table 1). Therefore, DEA considers 1,236 hospital entities to be affected by this proposed rule.

[43] The impact per entity of registration fees is calculated by dividing the net annual change in transfer payments for the 0 percent range in Table 2 ($831,878) by the number of affected private entities (3,809). The final figure is rounded to the nearest whole dollar.

[44] The impact per entity of the labor burden for DEA form 224 is found by dividing the total labor burden for DEA form 224 calculated in note 36 ($272,830) by the number of affected entities (12,919). The final figure is rounded to the nearest whole dollar.

[45] The impact per entity of the labor burden for DEA form 224A is found by first dividing the triennial labor burden for DEA form 224A calculated in note 37 ($145,509) by three to account for the three year registration cycle. This annualized labor burden ($48,503) is then divided by the number of affected entities (12,919). The final figure is rounded to the nearest whole dollar.

While this rule affects a substantial number of small entities, because the economic impact for the smallest entities is not significant, the proposed rule will not have a significant impact on small entities as a whole. In summary, DEA's evaluation of economic impact by size category indicates that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

In accordance with the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1501 *et seq.,* DEA has determined that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted for inflation) in any one year.'' Therefore, neither a Small Government Agency Plan nor any other action is required under URMA of 1995.

Paperwork Reduction Act of 1995

Pursuant to section 3507(d) of the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), DEA has identified the following collections of information related to this proposed rule and has submitted this collection request to the OMB for review and approval. This proposed rule would update DEA's regulations to provide for registration of EMS agencies and to require EMS agencies to maintain certain records and provide notice to DEA in certain circumstances. A person is not required to respond to a collection of information unless it displays a valid OMB control number. Copies of existing information collections approved by OMB may be obtained at *http://www.reginfo.gov/public/do/PRAMain.*

A. Collections of Information Associated With the Proposed Rule

1. Title: Emergency Medical Services Recordkeeping and Notice Requirements.

OMB Control Number: 1117–New.

Form Number: N/A.

DEA is proposing to create a new collection of information by establishing new recordkeeping and notice requirements for EMS agencies.

For each EMS professional employed by a registered EMS agency, the agency would be required to maintain those documents, as required by the State in which the professional practices, which describe the conditions and extent of the professional's authorization to dispense or administer controlled substances, and must make such documents available for inspection and copying by authorized employees of the Administration.

EMS agencies would also be required to maintain records of all controlled substances received, administered, or otherwise disposed of. Such records would be maintained, whether electronically or otherwise, at each registered and designated location of the agency where such controlled substances are received, administered, or otherwise disposed of.

For each dose of controlled substances administered or disposed of in the course of providing emergency medical services, these records must include: (1) The name of the substance; (2) the finished form of the substance; (3) the date the substance was administered or disposed of; (4) identification of the patient, if applicable; (5) amount administered; (6) the initials of the person who administered the substance; (7) the initials of the medical director or authorizing medical professional issuing the standing or verbal order; (8) the amount disposed of, if applicable; (9) the manner disposed of; and (10) the initials of the person who disposed of the substance and of one witness to the disposal.

For controlled substances acquired from or distributed to another registrant, the records must include: (1) The name of the substance; (2) the finished form of the substance; (3) the number of units or volume of finished form in each commercial container; (4) the number of units or volume of finished form and commercial containers transferred; (5) the date of the transfer; (6) name, address, and registration number of the person to or from whom the substance was transferred; and (7) the name and title of the person in receipt of the transferred substance.

For deliveries of controlled substances between a designated location and a registered location—except hospital-based agencies restocking at the hospital under which the agency is operating—the records must include: (1) The name of the substance; (2) the finished form of the substance; (3) the number of units or volume of finished form in each commercial container; (4) the number of units or volume of finished form and commercial containers transferred; (5) the date of the transfer; (6) the name and address of the designated location to which the substance is delivered; and (7) the name and title of the person in receipt of the transferred substance.

For destruction of a controlled substance (*e.g.,* expired inventory), the records must include: (1) The name of the substance; (2) the finished form of the substance; (3) the number of units or volume of finished form in each commercial container; (4) the number of units or volume of finished form and commercial containers destroyed; (5) the date of the destruction; (6) the name, address, and registration number of the person to whom the substance was distributed, if applicable; and (7) the name and title of the person destroying the substance.

Additionally, designated locations of EMS agencies would be required to notify their registered locations within 72 hours of any receipt of controlled substances in the following circumstances: (1) An EMS vehicle primarily situated at the designated location acquires controlled substances from a hospital while restocking following an emergency response; or (2) a designated location receives controlled substances from another designated location of the same EMS agency.

DEA does not have a good basis to estimate the number of respondents and burden related to this collection of information, because there is no available data regarding the administration, receipt, delivery, acquisition or distribution, and disposal of controlled substances specific to the operation of EMS agencies. Therefore, DEA submits the following estimated number of respondents and burden associated with this collection of information and will update this estimate with data when the collection is renewed:

Number of respondents: 21,283.

Frequency of response: average of 52 per year.

Number of responses: average of 1,106,716 per year.

Burden per response: .0833 hour.

Total annual hour burden: 92,226 hours.

Figures are rounded.

2. *Title:* Application for Registration-DEA 224, Application for Registration Renewal-DEA 224A.

OMB Control Number: 1117–0014.

Form Numbers: DEA–224, DEA–224A.

DEA is proposing to modify an existing collection of information by establishing new registration rules for EMS agencies.

Under proposed § 1301.13, EMS agencies, if authorized by state law, may register as a new type of business activity. A new ''EMS Agency'' business activity will be added to the application for registration and application for registration renewal forms to allow EMS agencies to obtain a DEA registration that will permit EMS agencies to deliver controlled substances to their

designated locations without obtaining a separate registration as a Distributor. This registration will allow EMS personnel to administer controlled substances outside the physical presence of a medical director or authorizing medical professional in the course of providing emergency medical services. Upon issuance of an EMS agency registration, the EMS agency should use the online system to identify all of the locations it intends to designate under the EMS agencies' DEA registration.

To lessen the burden for EMS agencies with several stationhouses in a single state, DEA proposes to allow EMS agencies to choose the option of a single registration in each state where the EMS agency operates. If the agency operates EMS facilities in multiple states, the agency must have a separate registration in each state where the agency operates.

DEA estimates the following number of respondents and burden associated with this collection of information:

Number of respondents: 621,472.

Frequency of response: 1 per year.

Number of responses: 621,472 per year.

Burden per response: 0.10 hour.

Total annual hour burden: 65,943 hours.

Figures are rounded.

B. Request for Comments Regarding the Proposed Collections of Information

Written comments and suggestions from the public and affected agencies concerning the proposed collections of information are encouraged. Consistent with 44 U.S.C. 3506(c)(2), DEA solicits comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of DEA.
- The accuracy of DEA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for DOJ, Washington, DC 20503. Please state that your comments refer to RIN 1117–AB37/Docket No. DEA–377.

All comments must be submitted to OMB on or before November 4, 2020. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

List of Subjects

21 CFR Part 1300

Chemicals, Drug traffic control.

21 CFR Part 1301

Administrative practice and procedure, Drug traffic control, Exports, Imports, Security measures.

21 CFR Part 1304

Drug traffic control, Reporting and recordkeeping requirements.

21 CFR Part 1306

Drug traffic control, Prescription drugs.

21 CFR Part 1307

Drug traffic control.

For the reasons stated in the preamble, the Drug Enforcement Administration proposes to amend 21 CFR parts 1300, 1301, 1304, 1306, and 1307 as follows:

PART 1300—DEFINITIONS

■ 1. The authority citation for part 1300 continues to read as follows:

Authority: 21 U.S.C. 802, 821, 822, 829, 871(b), 951, 958(f).

■ 2. Add § 1300.06 to read as follows:

§ 1300.06 Definitions relating to emergency medical services agencies.

(a) Any term not defined in this part shall have the definition set forth in section 102 of the Act (21 U.S.C. 802).

(b) As used in parts 1301, 1304, 1306, and 1307 of this chapter, the following terms shall have the meanings specified:

(1) *Authorizing medical professional* means an emergency or other physician, or other medical professional (including an advanced practice registered nurse or physician assistant)—

(i) Who is registered under 21 U.S.C. 823;

(ii) Who is acting within the scope of the registration; and

(iii) Whose scope of practice under a State license or certification includes the ability to provide verbal orders.

(2) *Designated location* means a location designated by an emergency medical services agency under 21 U.S.C. 823(j)(5).

(3) *Emergency medical services* means emergency medical response and emergency mobile medical services provided outside of a fixed medical facility.

(4) *Emergency medical services agency* means an organization providing emergency medical services, including such an organization that—

(i) Is governmental (including fire-based and hospital-based agencies), non-governmental (including hospital-based agencies), private, or volunteer-based;

(ii) Provides emergency medical services by ground, air, or otherwise; and

(iii) Is authorized by the State in which the organization is providing such services to provide emergency medical care, including the administering of controlled substances, to members of the general public on an emergency basis.

(5) *Emergency medical services professional* means a health care professional (including a nurse, paramedic, or emergency medical technician) licensed or certified by the State in which the professional practices and credentialed by a medical director of the respective emergency medical services agency to provide emergency medical services within the scope of the professional's State license or certification.

(6) *Emergency medical services vehicle* means an ambulance, fire apparatus, supervisor truck, or other vehicle used by an emergency medical services agency for the purpose of providing or facilitating emergency medical care and transport or transporting controlled substances to and from the registered and designated locations.

(7) *Hospital-based* means, with respect to an emergency medical services agency, owned or operated by a hospital.

(8) *Medical director* means a physician who is registered under 21 U.S.C. 823(f) and provides medical oversight to an emergency medical services agency.

(9) *Medical oversight* means supervision of the provision of medical care by an emergency medical services agency.

(10) *Registered emergency services agency* means—

(i) An emergency medical services agency that is registered under 21 U.S.C. 823(j); or

(ii) A hospital-based emergency medical services agency that is covered by the registration of the hospital.

(11) *Registered location* means, for purposes of emergency medical services, a location that appears on a DEA certificate of registration issued to an emergency medical services agency, which shall be where the agency receives controlled substances from distributors.

(12) *Specific State authority* means a governmental agency or other such authority, including a regional oversight and coordinating body, that, pursuant to State law or regulation, develops

clinical protocols regarding the delivery of emergency medical services in the geographic jurisdiction of such agency or authority within the State that may be adopted by medical directors.

(13) *Standing order* means a written medical protocol in which a medical director determines in advance the medical criteria that must be met before administering controlled substances to individuals in need of emergency medical services.

(14) *Stationhouse* means an enclosed structure that houses one or more emergency medical services agency vehicles within a State in which that emergency medical services agency is registered, and that is actively and primarily being used for emergency response by that emergency medical services agency.

(15) *Verbal order* means an oral directive that is given through any method of communication including by radio or telephone, directly to an emergency medical services professional, to contemporaneously administer a controlled substance to individuals in need of emergency medical services outside the physical presence of the medical director or authorizing medical professional.

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

■ 3. The authority citation for part 1301 is revised to read as follows:

Authority: 21 U.S.C. 821, 822, 823, 824, 831, 871(b), 875, 877, 886a, 951, 952, 956, 957, 958, 965.

■ 4. In § 1301.12, add paragraph (b)(5) to read as follows:

§ 1301.12 Separate registrations for separate locations.

* * * * *

(b) * * *

(5) A designated location that is identified to the Administration by a registered emergency medical services agency at least 30 days prior to first delivering controlled substances to that unregistered location.

■ 5. In § 1301.13:

■ a. Revise paragraph (d);

■ b. Redesignate rows (e)(1)(v) through (x) as rows (e)(1)(vi) through (xi); and

■ c. Add new row (e)(1)(v).

The revision and addition read as follows:

§ 1301.13 Application for registration; time for application; expiration date; registration for independent activities; application forms, fees, contents and signature; coincident activities.

* * * * *

(d) At the time a retail pharmacy, hospital/clinic, practitioner, emergency medical services agency or teaching institution is first registered, that business activity shall be assigned to one of twelve groups, which correspond to the months of the year. The expiration date of the registrations of all registrants within any group will be the last day of the month designated for that group. In assigning any of the above business activities to a group, the Administration may select a group the expiration date of which is not less than 28 months nor more than 39 months from the date such business activity was registered. After the initial registration period, the registration expires 36 months from the initial expiration date.

(e) * * *

(1) * * *

Business activity	Controlled substances	DEA Application forms	Application fee ($)	Registration period (years)	Coincident activities allowed
*	*	*	*	*	*
(v) Emergency Medical Services Agency.	Schedules II–V	New—224 Renewal—224a	731	3	
*	*	*	*	*	*

* * * * *

■ 6. Add § 1301.20 under undesignated heading ''Registration'' to read as follows:

§ 1301.20 Registration for emergency medical services agencies.

(a) An emergency medical services agency shall be issued a registration under § 1301.13 if the agency submits an application demonstrating it is authorized to conduct such activity under the laws of each State in which the agency practices, unless the Administration determines that the issuance of such a registration would be inconsistent with the requirements of 21 U.S.C. 823(j) or the public interest based on the factors listed in 21 U.S.C. 823(f).

(1) An agency has the option of requesting a single registration in each State where the agency administers controlled substances in lieu of a separate registration for each location of the agency within a State.

(2) If a hospital where an emergency medical services agency is based is registered under § 1301.13, the agency may use the registration of the hospital to administer controlled substances in accordance with § 1306.07(e) of this chapter, without being separately registered as an emergency medical services agency.

(b) A registered emergency medical services agency may deliver controlled substances from a registered location of the agency to an unregistered location of the agency only if the agency designates the type of unregistered location as a stationhouse for such delivery; and notifies the Administration at least 30 days prior to the first delivery of controlled substances to the unregistered location. The delivery of controlled substances by a registered emergency medical services agency pursuant to this section shall not be treated as distribution. To notify the Administration, the emergency medical services agency must submit the name and physical address of the designated location online at *www.DEAdiversion.usdoj.gov.*

§ § 1301.78 and 1301.79 [Added and Reserved]

■ 7. Add and reserve §§ 1301.78 and 1301.79 under undesignated heading ''Security Requirements'';

■ 8. Add § 1301.80 under undesignated heading ''Security Requirements'' to read as follows:

§ 1301.80 Security controls for emergency medical services agencies.

(a) A registered emergency medical services agency may store controlled substances at any of the following secured locations:

(1) A registered location of the agency;

(2) A designated location of the agency 30 days following notification to DEA in accordance with § 1301.20;

(3) In an emergency medical services vehicle situated at a registered location or designated location of the agency; or

(4) In an emergency medical services vehicle used by the agency that is traveling from, or returning to, a registered location or designated location of the agency in the course of responding to an emergency, or otherwise actively in use by the agency.

(b) A registered emergency medical services agency may store controlled substances in a storage component that is identified as:

(1) A securely locked, substantially constructed cabinet or safe that cannot be readily removed; which is located at a secured location specified in § 1301.80(a)(1) through (4); or

(2) An automated dispensing machine as defined in § 1300.01; which is

(i) Located at a secured location specified in 1301.80(a)(1) and (2);

(ii) Installed and operated by the emergency medical services agency;

(iii) Not used to directly dispense controlled substances to an ultimate user; and is

(iv) In compliance with the requirements of State law.

PART 1304—RECORDS AND REPORTS OF REGISTRANTS

■ 9. The authority citation for part 1304 is revised to read as follows:

Authority: 21 U.S.C. 821, 823(j), 827, 831, 871(b), 958(e)-(g), and 965, unless otherwise noted.

■ 10. In § 1304.03, add paragraphs (i) and (j) to read as follows:

§ 1304.03 Persons required to keep records and file reports.

* * * * *

(i) For each emergency medical services professional employed by a registered emergency services agency, the registered agency must maintain in a readily retrievable manner those documents (as required by the State in which an emergency medical services professional practices), which describe the conditions and extent of the professional's authorization to dispense controlled substances, and must make such documents available for inspection and copying by authorized employees of the Administration. Examples of such documentation include protocols, practice guidelines, or practice agreements.

(j) A registered emergency medical services agency shall maintain records, as described in § 1304.27, of all controlled substances that are received, administered, or otherwise disposed of pursuant to the agency's registration.

■ 11. In § 1304.04, revise paragraph (a) introductory text and add paragraphs (a)(4) and (5) to read as follows:

§ 1304.04 Maintenance of records and inventories.

(a) Except as provided in paragraphs (a)(1) and (2) of this section, every inventory and other record required to be kept under this part must be kept by the registrant, and be available for inspection and copying by authorized employees of the Administration, for at least 2 years from the date of such inventory or record.

* * * * *

(4) Records shall include records of deliveries of controlled substances between all locations of the agency.

(5) Records shall be maintained, whether electronically or otherwise, at each registered and designated location of the agency where the controlled substances involved are received, administered, or otherwise disposed of.

* * * * *

■ 12. Add § 1304.27 to read as follows:

§ 1304.27 Additional recordkeeping requirements applicable to emergency medical services agencies.

(a) Each emergency medical services agency registered pursuant to § 1301.20 of this chapter (including a hospital-based emergency medical services agency using a hospital registration under § 1301.20(a)(2) of this chapter) must maintain records for each dose of controlled substances administered or disposed of in the course of providing emergency medical services. The following information shall be included in each record:

(1) Name of the substance;

(2) Finished form of the substance (*e.g.,* 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);

(3) Date administered or disposed of;

(4) Identification of the patient (consumer), if applicable;

(5) Amount administered;

(6) Initials of the person who administered the controlled substance;

(7) Initials of the medical director or authorizing medical professional issuing the standing or verbal order;

(8) Whether a standing or verbal order was issued and adopted;

(9) Amount disposed of, if applicable;

(10) Manner disposed of; and

(11) Initials of person who disposed and witness to disposal.

(b) For each acquisition of a controlled substance from another registrant, or each distribution of a controlled substance to another registrant, each emergency medical services agency registered pursuant to § 1301.20 of this chapter must maintain records with all of the following information:

(1) For each acquisition of a controlled substance from another registrant:

(i) Name of the substance;

(ii) Finished form of the substance (*e.g.,* 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);

(iii) Number of units or volume of finished form in each commercial container;

(iv) Number of commercial containers acquired (*e.g.,* 100-tablet bottle or 3-milliliter vial);

(v) Date of the acquisition;

(vi) Name, address, and registration number of the person from whom the substance was acquired; and

(vii) Name and title of the person acquiring the controlled substance.

(2) For each distribution of a controlled substance to another registrant:

(i) Name of the substance;

(ii) Finished form of the substance (*e.g.,* 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);

(iii) Number of units or volume of finished form in each commercial container (*e.g.,* 100-tablet bottle or 3-milliliter vial);

(iv) Number of commercial containers distributed;

(v) Date of the distribution;

(vi) Name, address, and registration number of the person to whom the substance was distributed; and

(vii) Name and title of the person in receipt of the distributed controlled substances.

(3) For each delivery of controlled substances between a designated location and a registered location:

(i) Name of the substance;

(ii) Finished form of the substance (*e.g.,* 10-milligram tablet or 10-milligram concentration per fluid ounce or milliliter);

(iii) Number of units or volume of finished form in each commercial container (*e.g.,* 100-tablet bottle or 3-milliliter vial);

(iv) Number of units or volume of finished form in each commercial container and number of commercial containers delivered (*e.g.,* 100-tablet bottle or 3-milliliter vial);

(v) Date of the delivery;

(vi) Name and address of the designated location to which the substance is delivered; and

(vii) Name and title of the person in receipt of the controlled substances.

(4) For destruction of a controlled substance:

(i) Name of the substance;

(ii) Finished form of the substance (*e.g.,* 10-milligram tablet or 10-milligram

concentration per fluid ounce or milliliter);

(iii) Number of units or volume of finished form in each commercial container (*e.g.,* 100-tablet bottle or 3-milliliter vial);

(iv) Number of units or volume of finished form in each commercial container and number of commercial containers destroyed (*e.g.,* 100-tablet bottle or 3-milliliter vial);

(v) Date of the destruction;

(vi) Manner of disposal of the substance, if applicable;

(vii) Name, address, and registration number of the person to whom the substance was distributed, if applicable; and

(viii) Name and title of the person destroying the controlled substance.

(c) A designated location of an emergency medical services agency that receives controlled substances must notify the agency's registered location within 72 hours of receipt of the controlled substances, in the following circumstances:

(1) An emergency medical services vehicle primarily situated at a designated location of the emergency medical services agency acquires controlled substances from a hospital while restocking following an emergency response;

(2) The designated location of the emergency medical services agency receives controlled substances from another designated location of the same agency.

PART 1306—PRESCRIPTIONS

■ 13. The authority citation for part 1306 is revised to read as follows:

Authority: 21 U.S.C. 821, 823(j), 829, 831, 871(b), unless otherwise noted.

■ 14. Revise § 1306.01 to read as follows:

§ 1306.01 Scope of part 1306.

This part sets forth the process and procedures for dispensing, by way of prescribing and administering controlled substances to ultimate users. The purpose of such procedures is to provide safe and efficient methods for dispensing controlled substances while providing effective controls against diversion.

■ 15. Amend § 1306.07 by adding paragraphs (e) and (f) to read as follows:

§ 1306.07 Administering or dispensing of narcotic drugs.

* * * * *

(e) An emergency medical services professional of a registered emergency medical services agency may administer directly (but not prescribe) controlled substances in schedules II–V outside the physical presence of a medical director or authorizing medical professional in the course of providing emergency medical services if the administration is authorized by law of the State in which it occurs; and is pursuant to:

(1) A standing order that is issued and adopted by one or more medical directors of the agency, including any such order that may be developed by a specific State's authority; or

(2) A verbal order that is:

(i) Issued in accordance with a policy of the agency; and

(ii) Provided by a medical director or an authorizing medical professional in response to a request by the emergency medical services professional with respect to a specific patient —

(A) In the case of a mass casualty incident; or

(B) To ensure the proper care and treatment of a specific patient.

(f) An emergency medical services agency shall maintain, at a registered location of the agency, a record of the standing or verbal orders issued or adopted in accordance with § 1304.13 of this chapter.

PART 1307—MISCELLANEOUS

■ 16. The authority citation for part 1307 is revised to read as follows:

Authority: 21 U.S.C. 821, 822(d), 823(j), 871(b), unless otherwise noted.

■ 17. Add § 1307.14 under undesignated heading ''Special Exceptions for Manufacture and Distribution of Controlled Substances'' to read as follows:

§ 1307.14 Delivery of controlled substances to designated locations of emergency medical services agencies.

(a) Notwithstanding the definition of registered location in § 1300.06 of this chapter, a registered emergency medical services agency may receive controlled substances from a hospital for purposes of restocking an emergency medical services vehicle following an emergency response, and without being subject to the requirements of § 1305.03 of this chapter, provided all of the following criteria are met:

(1) The registered or designated location of the agency operating the vehicle maintains the record of such receipt in accordance with § 1304.27(b) of this chapter;

(2) The hospital maintains a record of such delivery to the agency in accordance with § 1304.22(c) of this chapter; and

(3) If the vehicle is primarily situated at a designated location of an emergency medical services agency, such location notifies the registered location of the agency within 72 hours of the vehicle receiving the controlled substances.

■ 18. Add § 1307.15 under undesignated heading ''Special Exceptions for Manufacture and Distribution of Controlled Substances'' to read as follows:

§ 1307.15 Delivery of controlled substances in emergency situations.

(a) Hospitals and emergency medical services agencies' registered locations, and designated locations may deliver controlled substances to each other, with written approval from the Special Agent in Charge of DEA for the area or DEA Headquarters, in the event of:

(1) Shortages of such substances;

(2) A public health emergency; or

(3) A mass casualty event.

Timothy J. Shea,

Acting Administrator.

[FR Doc. 2020–21675 Filed 10–2–20; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 127

[Docket No. USCG–2019–0444]

RIN 1625–AC52

Operational Risk Assessments for Waterfront Facilities Handling Liquefied Natural Gas as Fuel, and Updates to Industry Standards

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations concerning waterfront facilities handling liquefied natural gas (LNG) and liquefied hazardous gas (LHG). The proposed rule would make the following three changes. First, the proposed rule would revise the Coast Guard's existing regulations to allow waterfront facilities handling LNG as fuel to conduct an operational risk assessment instead of a waterway suitability assessment (WSA) without first obtaining Captain of the Port approval. Second, the proposed rule would revise existing regulations to update incorporated technical standards to reflect the most recent published editions. Third, for waterfront facilities handling LNG that must comply with the WSA requirements, the proposed rule would require these facilities to provide information to the Coast Guard regarding the nation of registry for vessels transporting natural gas that are

reasonably anticipated to be servicing the facilities, and the nationality or citizenship of officers and crew serving on board those vessels.

DATES: Comments and related material must be received by the Coast Guard on or before December 4, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2019–0444 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

Collection of information. Submit written comments and recommendations for the proposed information collection discussed in section VIII.D of this preamble within 30 days of publication of this notice to the Coast Guard's online docket and to the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget. For submission to OIRA use *www.reginfo.gov/public/do/PRAMain.* To find this particular information collection select ''Currently under Review'' or use the search function.

Viewing material proposed for incorporation by reference. Make arrangements to view this material by calling the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. Copies of the material are also available as indicated in the ''Incorporated by Reference'' in § 127.003 in the proposed regulatory text.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Ken Smith, Project Manager, Coast Guard, Vessel and Facility Operating Standards Division, Commandant (CG–OES–2); telephone 202–372–1413, email *Ken.A.Smith@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If you cannot submit your material by using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned as being available in the docket, and all public comments, will be available in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted or if a final rule is published.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We do not plan to hold a public meeting but will consider doing so if our consideration of public comments indicates a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

ANSI American National Standards Institute
API American Petroleum Institute
ASME American Society of Mechanical Engineers
BLS U.S. Bureau of Labor Statistics
COI Collection of Information
CFR Code of Federal Regulations
CG–OES Coast Guard, Office of Operating and Environmental Standards
COTP Captain of the Port
DNV GL Det Norske Veritas Germanischer Lloyd
ECA Emission Control Area
FR Federal Register
FERC Federal Energy Regulatory Commission
GSA General Services Administration
HAZID Hazard Identification
IBR Incorporated by reference
ICR Information collection request
IEC International Electrotechnical Commission
ISO International Organization for Standardization
LOI Letter of Intent
LOR Letter of Recommendation
LHG Liquefied hazardous gas
LNG Liquefied natural gas
MARPOL International Convention for the Prevention of Pollution from Ships
MISLE Marine Information for Safety and Law Enforcement
NFPA National Fire Protection Association
OMB Office of Management and Budget
ORA Operational risk assessment
PWSA Ports and Waterways Safety Authorities
SBA Small Business Administration
SME Subject Matter Expert
§ Section
U.S.C. United States Code
WSA Waterway suitability assessment

III. Executive Summary

The purpose of this proposed rule is to amend the regulations concerning waterfront facilities handling liquefied natural gas (LNG) and liquefied hazardous gas (LHG) in 33 CFR part 127. The proposed rule would make the following three changes.

First, the proposed rule would add new § 127.008 to allow waterfront facilities handling LNG as fuel (LNG fuel facilities [1]) to conduct an operational risk assessment (ORA) instead of a waterway suitability assessment (WSA), without first obtaining Captain of the Port (COTP) approval. By allowing LNG fuel facilities to use an ORA in lieu of a WSA without submitting an alternative request and meeting with the COTP, the proposed rule would reduce the regulatory burden on LNG fuel facilities by reducing the scope of the analysis and the amount of information facility owners would have to submit to the Coast Guard. Currently, there are three existing LNG fuel facilities. The Coast Guard anticipates 1 new LNG fuel facility would become operational every year in the next 10 years. Reducing the regulatory burden could result in lower

[1] We propose to add a new definition for *LNG fuel facility* to mean a waterfront facility that handles LNG for the sole purpose of providing LNG from shore-based structures to vessels for use as a marine fuel, and that does not transfer LNG to or receive LNG from vessels capable of carrying LNG in bulk as cargo.

fuel costs, and thereby increase the maritime industry's level of interest in converting or constructing vessels to use LNG as a marine fuel to comply with stricter emissions standards and realize economic advantages.[2]

Second, the proposed rule would update the technical standards already incorporated by reference in part 127 to reflect the most recent published editions of these standards. We have determined that modified, expanded, and new LNG fuel facilities, waterfront facilities handling LNG, and waterfront facilities handling LHG are built to the most recent industry standards available at the time of modification, expansion, or construction and not the outdated standards currently codified in 46 CFR part 127. Therefore, owners and operators would not incur any cost to meet the updated standards. The Coast Guard anticipates these updated industry standards would apply to one new LNG fuel facility, two new waterfront facilities handling LNG, and three new waterfront facilities handling LHG per year in the next 10 years.

Third, for waterfront facilities handling LNG that must comply with the WSA requirements in § 127.007, the proposed rule would require these facilities to provide information to the Coast Guard at the time the WSA is submitted regarding the nation of registry for vessels transporting natural gas that are reasonably anticipated to be servicing the facilities and the nationality of citizenship of officers and crew serving on board those vessels. We are proposing this change to assist us in meeting our obligation under § 304(c)(2) of the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109–241). This statute requires the Coast Guard, when operating as a contributing agency in the Federal Energy Regulatory Commission (FERC) shoreside licensing process for an onshore or near-shore LNG terminal, to provide this information to FERC. The Coast Guard anticipates two waterfront facilities handling LNG that must submit a WSA would be affected annually by this proposed change.

Eliminating the requirement to submit an alternative request and meet with the COTP to obtain approval before conducting an ORA in lieu of a WSA would result in cost savings to the LNG fuel facility owner. This change is deregulatory under Executive Orders 13771 and 13777, with annualized cost savings to both industry and the government of approximately $16,843 using a 7-percent discount rate.

IV. Basis and Purpose

The Ports and Waterways Safety Authorities (PWSA) (46 U.S.C. chapter 700), authorizes the Secretary of the department in which the Coast Guard is operating to take certain actions to advance port, harbor, and coastal facility safety and security. Specifically, sections 70011 and 70034 of Title 46 of the United States Code (U.S.C.) authorize the Secretary to promulgate regulations to establish standards for the handling, loading, unloading, storage, stowage, and movement of hazardous materials on a vessel and waterfront facility on or along U.S. navigable waters as necessary to protect the vessel, structure, water, or shore area. The Secretary has delegated this authority to the Commandant of the Coast Guard (DHS Delegation 0170.1(II)(70)). The purpose of the proposed rule is to revise existing regulations for the assessment of LNG fuel facilities by reducing unnecessary requirements; update technical standards applicable to waterfront facilities handling LNG and LHG; and implement a statutory provision for waterfront facilities handling LNG that must complete a WSA.

V. Background

A. International Maritime Organization (IMO) Emissions Standards and LNG as a Marine Fuel

The IMO International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI,[3] first adopted in 1997, limits the main air pollutants contained in ships exhaust gas, including sulfur oxides and nitrous oxides, and prohibits deliberate emissions of ozone depleting substances. MARPOL Annex VI also provides for the establishment of Emissions Control Areas (ECAs), which are waters close to coastlines where more stringent emissions controls may be imposed. Under MARPOL Annex VI, the North American ECA came into force on August 1, 2012. A possible option for vessel operators to meet the more stringent fuel oil sulfur content standards of the ECA is to install LNG-fueled engines, because such engines emit only trace amounts of sulfur.

In order to comply with these stricter IMO emissions standards and realize economic advantages associated with the increasing LNG supply, there has been a growing interest by the maritime industry in converting existing vessels and constructing new vessels to use LNG as a marine fuel. The maritime industry is also considering a variety of methods for supplying LNG to vessels for use as a marine fuel, including delivery from vessels (such as barges and small tank vessels) or from shore-based structures on waterfront facilities handling LNG (such as storage tanks, mobile tank trucks, and rail cars).

B. Existing Regulations for Waterfront Facilities Handling LNG

Existing regulations for waterfront facilities handling LNG are contained in 33 CFR part 127. Although originally written to address large quantities of LNG that are imported or exported as cargo at large storage facilities,[4] 33 CFR part 127, by virtue of the definition of a waterfront facility handling LNG,[5] also applies to LNG transferred between vessels and shore-based structures including tank trucks and rail cars for use as fuel. Part 127 outlines requirements pertaining to general information, general design, equipment, operations, maintenance, firefighting, and security.

Section 127.007 contains the Letter of Intent (LOI) and WSA requirements, including the Preliminary WSA and Follow-on WSA requirements. The WSA examines the risk of transporting large volumes of LNG through connected waterways and the transfer of LNG to or from waterfront facilities handling LNG. The Coast Guard developed the WSA requirement to address safety and security risks potentially presented by LNG carriers traveling to or from waterfront facilities handling LNG.[6]

The facility owner or operator submits the LOI and WSA documents to the Coast Guard. The LOI must contain: (1) The name, address, and telephone number of the owner and operator; (2) the name, address, and telephone number of the Federal, State, or local agency having jurisdiction for siting, construction, and operation; (3) the name, address, and telephone number of the facility; (4) the physical location of the facility; (5) a description of the facility; (6) the LNG vessels' characteristics and the frequency of LNG shipments to or from the facility; and (7) charts showing waterway channels and identifying commercial, industrial, environmentally sensitive,

[2] See the report by the Congressional Research Service, titled ''LNG as a Maritime Fuel: Prospects and Policy'' (dated February 5, 2019) at *https://fas.org/sgp/crs/misc/R45488.pdf.*

[3] MARPOL Annex VI has been incorporated into U.S. law by the Act to Prevent Pollution from Ships (33 U.S.C. 1901 *et seq.*)

[4] See final rule, titled ''Liquefied Natural Gas Waterfront Facilities'' (53 FR 3370, dated February 5, 1988).

[5] 33 CFR 127.005.

[6] See final rule, titled, ''Revision of LNG and LHG Waterfront Facility General Requirements'' (75 FR 29420, dated May 26, 2010).

and residential areas in and adjacent to the waterway used by the LNG vessels en route to the facility, within at least 25 kilometers (15.5 miles) of the facility (33 CFR 127.007(c)).

The Preliminary WSA must contain an analysis of the following topics: (1) Port characterization; (2) characterization of the LNG facility and the LNG tank vessel route; (3) risk assessments for maritime safety and security; (4) risk management strategies; and (5) resource needs for maritime safety, security, and response. It must also contain a section listing recommended risk mitigation measures and conclusions (33 CFR 127.007(f)(2)).

This information gives the COTP the opportunity to identify any issues or factors that might have been overlooked when considering the various potential safety and security impacts the LNG marine traffic may have on the port and associated waterways. It also provides an opportunity for the project sponsor and the COTP to identify the stakeholders at the port who should be consulted when developing the Follow-on WSA. The Follow-on WSA provides a complete analysis of the topics outlined in the Preliminary WSA and identifies credible security threats and navigational safety hazards for the LNG marine traffic, along with appropriate risk management strategies and the resources needed to carry them out. The information obtained in the LOI and WSA enables the Coast Guard to provide specific recommendations, in a Letter of Recommendation (LOR) described in § 127.009, as to the suitability of the waterway for LNG marine traffic to the Federal, State, or local government agencies having jurisdiction for siting, construction, and operation.

C. Alternative Coast Guard Procedures

Coast Guard regulations in § 127.017 allow facility operators to request alternative procedures to those in § 127.007 if the alternative provides at least the same degree of safety provided by the regulations. An owner or operator seeking to use an alternative procedure should identify the ''gaps'' where requirements cannot be met or are not appropriate and should explain what alternatives the Coast Guard should consider instead. Whenever possible, owners and operators should reference existing standards, practices, and procedures to help substantiate the request.[7]

Prior to the construction of three LNG fuel facilities, the Coast Guard met with the facility owners to discuss Federal regulations that would apply to their projects. During those discussions, the owners indicated that it was inappropriate for their projects to conduct a WSA under § 127.007 because their intended operations did not include use of the waterway. Unlike waterfront facilities handling LNG that receive large quantities of LNG that are imported or exported as cargo on large tankships on the waterway, their LNG fuel facilities would receive LNG from shore-based sources using tank trucks. Instead of conducting a WSA for their projects, they requested to conduct an ORA focused specifically on their intended operations.

Based on information provided by these facility owners that: (1) LNG would not be delivered to the facility by a vessel on the waterway; (2) incidents involving LNG would be limited to the location of the facility; (3) the quantity of LNG stored at the facility would be relatively small compared to larger waterfront facilities handling LNG that import or export LNG as cargo; and (4) the quantity of LNG stored on vessels as fuel would not pose as much of a safety concern to the port as larger tankships that transport LNG to larger waterfront facilities handling LNG to be imported or exported as cargo, the Coast Guard agreed that COTPs could allow the use of ORAs as an alternative to WSAs under § 127.017.

Since ORAs and WSAs follow similar procedures for assessing risk, the Coast Guard is proposing to modify the scope of assessments to be conducted for LNG fuel facilities to focus on operations solely taking place at the facilities, provided that LNG is not delivered to the facilities by LNG tank vessels. If an LNG fuel facility would receive LNG by vessel, an assessment of the waterway—that is, a WSA—would need to be carried out to determine the impact of the proposed operations on the port and waterway.

VI. Discussion of Proposed Rule

Under this proposed rule, prospective applicants seeking authorization to build, modify, or reactivate an inactive LNG fuel facility would be allowed to submit an LOI and an ORA to the Coast Guard, which would enable us to provide specific recommendations, in a LOR described in § 127.009, to agencies having jurisdiction. Eliminating the requirement to submit an alternative request and meet with the COTP to obtain approval before conducting an ORA in lieu of a WSA would eliminate unnecessary paperwork associated with analysis of a waterway not being used by the facility and provide regulatory certainty for future LNG fuel facility project proponents.

By eliminating unnecessary paperwork and reducing the regulatory burden on facility owners and operators, the Coast Guard is promoting the goals of Executive Orders 13771 and 13777. Reducing the regulatory burden and increasing cost savings could increase the maritime industry's level of interest in converting existing vessels and constructing new vessels that use LNG as a marine fuel to comply with stricter emissions standards.

For waterfront facilities handling LNG that must conduct a WSA under proposed § 127.007, the proposed rule would require these facilities to submit to the Coast Guard, at the time the WSA and LOI are submitted, information on the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting LNG that are reasonably anticipated to be servicing those facilities. This proposed change would implement the statutory mandate in section 304(c)(2) of the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109–241) requiring the Coast Guard to provide this information to FERC when the Coast Guard is operating as a contributing agency in the FERC shoreside licensing process for an onshore or near-shore LNG terminal. This is the most efficient way to comply with the statutory requirement that we provide this information to FERC.

The proposed rule would also update the technical standards found in the existing regulations that would be applicable to waterfront facilities handling LNG and LHG.

We provide a section-by-section description in the following paragraphs of our proposed amendments to 33 CFR part 127, subparts A through C, in section number order with topical headings.

Subpart A—General

Proposed Revisions to Authorities Listed for Part 127

The Coast Guard proposes to amend the authority citation for this Part by removing 33 U.S.C. 1231 and adding, in its place, 46 U.S.C. 70034. This reflects the changes made by the Coast Guard

[7] *See* CG–OES Policy Letter No. 02–15, ''Guidance Related to Vessels and Waterfront Facilities Conducting LNG Marine Fuel Transfer (Bunkering) Operations.'' This document is available at *https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/Operating%20and%20Environmental%20Standards/OES-2/Policy%20Letters/CG%20OES%20Policy%20Letter%2002-15%20signature%20with%20Enclosures.pdf?ver=2017-07-21-124107-000. See also* 80 FR 10131 (Feb. 25, 2015) (notice of availability).

Authorization Act of 2018,[8] which re-codified the Ports and Waterways Safety Program into Title 46 of the U.S.C. The Coast Guard also proposes to add 46 U.S.C. 70011 to the list of existing statutory authorities for this Part, to make it clear that 46 U.S.C. 70011 (previously 33 U.S.C. 1225) authorizes the Coast Guard to take such action as is necessary to (1) prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and (2) protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss. Authorized actions under this section include, among other things, establish standards for the handling, loading, unloading, storage, stowage, and movement of hazardous materials on a vessel or structure on or along U.S. navigable waters, as necessary to prevent damage to, or the destruction of, any bridge or other structure on or in the navigable waters of the United States, or any land structure or shore area immediately adjacent to such waters; and protect the navigable waters and the resources therein from harm resulting from vessel or structure damage, destruction, or loss.

Proposed Revisions to § 127.001 Applicability

The Coast Guard proposes to remove the word, ''existing'' from paragraphs (a) and (c) because the term as it is currently defined in § 127.005 does not cover waterfront facilities handling LNG constructed after 1988. This is a problem because if it is not removed, paragraphs (a) and (c) would only apply to new waterfront facilities handling LNG and waterfront facilities handling LNG that were built before 1988. In order to ensure paragraphs (a) and (c) apply to all LNG facilities, the Coast Guard proposes to remove the term ''existing.''

The Coast Guard also proposes to amend paragraph (c) by removing a reference to § 127.701, which contains security requirements for the marine transfer area for LNG of inactive facilities. These security requirements are now contained in 33 CFR part 105, subpart B, and apply to facilities subject to part 127. The reference to § 127.701 is duplicative and no longer needed.

A new paragraph (f) is proposed to clarify the standards approved for incorporation by reference in § 127.003 only apply to facilities constructed, expanded, or modified under a contract awarded after the implementation date of the final rule. As used in this section, we consider ''constructed'' to mean construction of a new facility, ''expanded'' to mean changes to a facility that was previously constructed that results in an increase in the storage capacity or operations at the facility and ''modified'' to mean changes made to a facility that was previously constructed that does not result in increased storage capacity or operations (*e.g.,* the addition of a sprinkler system in an area where one did not previously exist). A facility being expanded or modified would only need to apply the applicable new standards that are involved in the action to expand or modify the facility. All other facilities, unless expanded or modified in accordance with part 127, would be required to meet previously applicable standards but may request to apply later editions of the standards in accordance with § 127.017.

Proposed Revisions to § 127.003 Incorporation by Reference

The Coast Guard proposes to amend this section by updating the technical standards to reflect the most recent published editions of the standards. We encourage the use of these updated standards because they reflect the best available technologies, practices, and procedures that are recommended by consensus bodies and other groups with experience in the industry. However, only waterfront facilities handling LNG and LHG constructed, expanded, or modified under a contract awarded after the implementation date of the final rule would be required to meet the applicable requirements outlined in the most recent editions of these standards. Existing facilities may voluntarily request authorization to apply the updated standards, but they will only be required to apply the standards that applied to them prior to the implementation date of the final rule.

The following is the list of the standards we propose to update:

- American Petroleum Institute (API) standard, API Recommended Practice 2003, Protection Against Ignitions Arising Out of Static, Lightning and Stray Currents, Eighth Edition, September 2015. This standard presents the current state of knowledge and technology in the fields of static electricity and stray currents applicable to the prevention of hydrocarbon ignition in the petroleum industry, and it is based on both scientific research and practical experience. The 2015 edition builds on the technically sound work presented in prior editions. It emphasizes the need to maintain awareness and the continuing need to develop and use sound procedures for controlling hazards and minimizing the possible static ignition risks associated with handling hydrocarbons.
- American Society of Mechanical Engineers (ASME) standard, ASME B16.5–2017, Pipe Flanges and Flanged Fittings, NPS ½ through NPS 24 Metric/Inch Standard, November 20, 2017. This standard covers pressure-temperature ratings, materials, dimensions, tolerances, marking, testing, and methods of designating openings for pipe flanges and flanged fittings. The 2017 edition adds the use of size NPS 22, and updates materials and working pressures. The current regulations reference a 1988 edition of the standard, including 1992 addenda and errata. But the current regulations use the term ''ANSI'' rather than ''ASME.'' We propose to correctly identify the current name of the standard.
- ASME B31.3–2018, Process Piping, ASME Code for Pressure Piping, B31, August 30, 2019. This standard contains requirements for piping typically found in petroleum refineries; chemical, pharmaceutical, textile, paper, semiconductor, and cryogenic plants; and related processing plants and terminals. It covers materials and components, design, fabrication, assembly, erection, examination, inspection, and testing of piping. The 2018 edition standardizes the use of SI metric units for some purposes and U.S. Customary units for others, and provides a table for conversion of units.
- ASTM standard, ASTM F 1121–87 (Reapproved 2015), Standard Specification for International Shore Connections for Marine Fire Applications, approved May 1, 2015. This standard covers the specifications for the design and manufacture of international shore connections to be used with marine firefighting systems during an emergency when a stricken ship has a system failure. This standard has continued to be reapproved since development and has not changed. We are merely incorporating the most recent published edition of this standard.
- International Electrotechnical Commission (IEC), IEC 60079–29–1, Edition 2.0, Explosive Atmospheres—Part 29–1: Gas Detectors—Performance Requirements of Detectors for Flammable Gases, July 2016. This standard specifies general requirements for construction, testing, and performance and describes the test methods that apply to portable, transportable, and fixed apparatus for the detection and measurement of flammable gas or vapor concentrations with air. This standard superseded

[8] See Public Law 115–282, December 4, 2018, 132 Stat 4192.

ANSI S12.13, Part I, Performance Requirements, Combustible Gas Detectors (1986 Edition), which is currently incorporated by reference in the regulations.

• National Fire Protection Agency (NFPA) 10, Standard for Portable Fire Extinguishers, 2018 Edition, effective April 21, 2017. This standard applies to the selection, installation, inspection, maintenance, recharging, and testing of portable extinguishing equipment and Class D extinguishing agents. The 2018 edition includes clarifications on electronic monitoring, obsolete extinguishers, extinguishers in areas containing oxidizers, extinguisher signs, and mounting equipment and cabinets.

• NFPA 30, Flammable and Combustible Liquids Code, 2018 Edition, effective September 6, 2017. This standard applies to the storage, handling, and use of flammable and combustible liquids, including waste liquids. The 2018 edition incorporates essential safety updates and references to current UL standards, as well as completely revised requirements for general purpose warehouses.

• NFPA 51B, Standard for Fire Prevention During Welding, Cutting and Other Hot Work, 2019 Edition, effective July 15, 2019. This standard covers provisions to prevent injury, loss of life, and loss of property from fire or explosion as a result of hot work. In the 2019 edition, the scope was modified to clarify that the standard is intended to be used for preventing injuries and not just loss of life during hot work operations. The purpose was also revised to clarify that the standard provides requirements for everyone involved in hot work operations.

• NFPA 59A, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG), 2019 Edition, effective November 25, 2018. This standard provides minimum fire protection, safety, and related requirements for the location, design, construction, security, operation, and maintenance of LNG plants. The 2019 edition presents a reorganization of the requirements for plant siting and layout to facilitate better focus and implementation of the requirements contained in the standard. This edition also includes new requirements under which a single-wall ASME container with supplementary design and fabrication requirements can be safely implemented for storage at small-scale LNG facilities.

• NFPA 70, National Electrical Code, 2017 Edition, effective August 24, 2016. The provisions of this standard apply to the design, modification, construction, inspection, maintenance, and testing of electrical systems, installations and equipment. The 2017 edition addresses the advancement of privately-owned wind and solar power generation and distribution equipment, including coverage of higher voltage systems that were once only the utilities' domain.

• NFPA 251, Standard Methods of Tests of Fire Resistance of Building Construction and Materials, 2006 Edition, effective August 18, 2005. This standard provides methods of fire tests applicable to assemblies of masonry units and to composite assemblies of structural materials for buildings, including bearing and other walls, partitions, columns, girders, beams, slabs, and composite slab and beam assemblies for floors and roofs. This standard also applies to other assemblies and structural units that constitute permanent integral parts of a finished building. The time temperature curve of NFPA 251 referenced in the definition of fire endurance rating in § 127.005 has not changed. We are merely incorporating the most recent published edition of NFPA 251.

The Coast Guard is also proposing to add three new standards to the list of technical standards incorporated by reference in § 127.003 to provide requirements to LNG fuel facilities on conducting ORAs. The proposed new standards are—

• Det Norske Veritas Germanischer Lloyd (DNV GL), Recommended Practice, DNVGL–RP–G105, Development and Operation of Liquefied Natural Gas Bunkering Facilities, October 2015 Edition. This standard provides guidance to the industry on development, organizational, technical, functional, and operational issues in order to ensure global compatibility and secure a high level of safety, integrity, and reliability for LNG bunkering (fueling) facilities.

• International Organization for Standardization (ISO), ISO/TS 18683:2015(E), Guidelines for Systems and Installations for Supply of LNG as Fuel to Ships, First Edition, 15 January 2015. This standard gives guidance on the minimum requirements for the design and operation of the LNG bunkering (fueling) facility, including the interface between the LNG supply facilities and receiving ship.

• ISO/TS 28460:2010(E), Petroleum and Natural Gas Industries—Installation and Equipment for Liquefied Natural Gas—Ship-to-Shore Interface and Port Operations, First Edition, 15 December 2010. This standard specifies the requirements for ship, terminal, and port service providers to ensure the safe transit of an LNG carrier through the port area and the safe and efficient transfer of its cargo.

The Coast Guard also proposes to amend the introductory text to § 127.003 by adding a reference at the end of the paragraph to refer to § 127.017 for alternative compliance methods. We propose this change to clarify that later editions of the standards listed in § 127.003 could be considered as an acceptable alternative if they can be shown to provide a degree of protection, safety, or performance equal to or better than the standard we recognize and prior approval is obtained by the COTP.

Proposed Revisions to § 127.005 Definitions

The Coast Guard proposes to amend § 127.005 by adding a new definition for ''LNG fuel facility'' and by revising the existing definitions for ''Facility'' and ''Fire endurance rating.'' We are proposing to add the definition for ''LNG fuel facility'' to describe waterfront facilities that handle LNG for the sole purpose of providing LNG from shore-based structures to vessels for use as a marine fuel, and that does not transfer LNG to or receive LNG from vessels capable of carrying LNG in bulk as cargo. We are proposing to revise the definition of ''facility'' to specify it includes LNG fuel facilities. The proposed revised definition of ''fire endurance rating'' is being amended to reference the 2006 edition of NPFA 251; however, the time-temperature curve referenced in the 2006 edition of NFPA 251 remains the same as in the current incorporated by reference 1990 edition.

Proposed Revisions to § 127.007 Letter of Intent and Waterway Suitability Assessment for Waterfront Facilities Handling LNG or LHG

The proposed rule would amend paragraphs (a), (b), and (e) by removing the word ''existing'' from each paragraph because the term—as it is currently defined in § 127.005—does not cover waterfront facilities handling LNG and LHG constructed after 1988 and 1996, respectively. By removing the word, ''existing'' from paragraphs (a), (b), and (e) it clarifies that the LOI and WSA requirements apply to the new construction or expansion of any LNG or LHG facility that would result in an increase in the size and/or frequency of LNG or LHG marine traffic on the waterway.

The proposed rule would redesignate existing paragraphs (g) and (h), as paragraphs (h) and (i). We would also add a new paragraph (g) to require an owner or operator intending to build a new LNG facility to submit the WSA no later than the date that the owner or

operator files a pre-filing request with FERC under 18 CFR 153 or 157, and include the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing the LNG facility. We are proposing this change to assist us in meeting our obligation under § 304(c)(2) of the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109–241), which requires the Coast Guard, when operating as a contributing agency in the FERC shoreside licensing process for an onshore or near-shore LNG terminal, to provide this information to FERC.

Finally, in this section the Coast Guard proposes to add a new paragraph (j) to clarify that an owner or operator intending to build an LNG fuel facility, modify an LNG fuel facility, or reactivate an inactive LNG fuel facility, may comply with the new requirements proposed in § 127.008 in lieu of the requirements in § 127.007.

Proposed Addition of § 127.008 Letter of Intent and Operational Risk Assessment for LNG Fuel Facilities

The Coast Guard proposes to add this new section, which would contain the LOI and new ORA submission requirements for owners or operators of LNG fuel facilities. Since an LNG fuel facility would not receive LNG from vessels, it is not associated with LNG tank vessel traffic for which the WSA is designed. Instead, an analysis of the safety and security of the marine transfer operation is appropriate. ORAs are suitable for evaluating and identifying risks and mitigation measures for situations involving quantities and delivery methods of LNG that are much smaller than those associated with large quantities of LNG that are imported or exported as cargo at large storage facilities. In the event that an LNG fuel facility would receive LNG by vessel using the waterway, a WSA would need to be carried out to determine the impact of the proposed operations on the port and waterway. The Coast Guard anticipates this proposed new section would help lead to reduced costs for LNG fuel facilities because owners or operators would no longer have to submit an alternative request and meet with the COTP to obtain approval before conducting an ORA in lieu of a WSA.

Proposed new paragraph (a) would require an owner or operator seeking to build an LNG fuel facility, modify the construction of any LNG fuel facility, or reactivate an inactive LNG fuel facility electing to complete an ORA in lieu of a WSA to submit an LOI to the Coast Guard at least 1 year before LNG transfer operations begin. We propose to allow an owner or operator the option of completing an ORA in lieu of a WSA. This approach would give owners and operators the ability to make appropriate business decisions in order to maintain flexibility for future operations without compromising marine safety. An owner or operator of an LNG fuel facility may initially provide LNG from shore-based structures to vessels for use as a marine fuel from LNG transported to the facility via a tank truck or rail car. This type of operation would require completion of an ORA only. However, at a future time the same facility may elect to receive LNG from vessels using the waterway, which would then require completion of a WSA to ensure potential impacts on the waterway due to increased LNG vessel traffic are fully assessed.

Proposed new paragraph (b) would require the LOI to contain the requirements listed in existing § 127.007(c)(1) through (c)(5), as follows: (1) The name, address, and telephone number of the owner and operator; (2) the name, address, and telephone number of the agency having jurisdiction for siting, construction, and operation; (3) the name, address, and telephone number of the facility; (4) the physical location of the facility; and (5) a description of the facility. If there is any change in the information provided in the LOI, or if no LNG fuel transfer operations are scheduled within the next 12 months, proposed new paragraph (c) would require the owner or operator to notify the Coast Guard in writing within 15 days of discovering this information.

Proposed new paragraph (d)(1) would establish that the ORA must be carried out in accordance with Chapter 7 of ISO 18683:2015(E) and Appendix D of DNVGL–RP–G105, or Chapter 19 of NFPA 59A. The Coast Guard selected these standards because the ISO standard and the DNVGL–RP were created specifically to address LNG fuel facilities and are complementary of each other (*e.g.,* DNVGL–RP refers to ISO 18683). NFPA 59A was selected because it is the primary standard associated with how LNG facilities are built and operated in the United States. This paragraph would also allow an owner or operator of an LNG fuel facility the ability to seek authorization by the Coast Guard to use another voluntary consensus standard for risk assessment acceptable to the Coast Guard. The proposed ORA would also have to consider possible factors affecting the ship/shore interface and port operations described in Section 6 of ISO 28460:2010(E), according to proposed new paragraph (d)(2). The standards referenced in proposed new paragraphs (d)(1) and (d)(2) contain requirements relative to conducting risk assessments that are focused on providing LNG as fuel (bunkering operations).

Proposed Revisions to § 127.009 Letter of Recommendation

The Coast Guard proposes to amend this section to accommodate an LOR based on an ORA. After the COTP receives the information and analysis under the LOI and ORA requirements in § 127.008, the COTP will issue a LOR as to the operational safety and security of the LNG fuel facility to the Federal, State, or local government agencies having jurisdiction for siting, construction, and operation of the facility and send a copy to the owner or operator of the proposed LNG fuel facility. Currently, a LOR is issued after the COTP receives the information and analysis under the LOI and WSA requirements in § 127.007. The proposed amendment would add the issuance of a LOR when the Coast Guard receives the information and analysis under proposed new § 127.008.

Proposed Revisions to § 127.015 Appeals

The Coast Guard proposes to revise paragraph (c)(1) to update the mailing address for submitting appeals of District Commander rulings related to actions taken by Coast Guard officials under part 127. We also propose to revise paragraphs (c)(1) and (d) to reflect a name change for the office where appeals should be sent.

Proposed Revisions to § 127.017 Alternatives

We propose to amend paragraph (a) to clarify that the COTP may consider alternative compliance methods. Newer editions of a standard we incorporate by reference in § 127.003 could be considered as acceptable alternatives if they could be shown to provide a degree of protection, safety, or performance equal to or better than the incorporated standard.

Proposed Revisions to § 127.019 Operations Manual and Emergency Manual: Procedures for Examination

We proposed to delete the word ''existing'' from paragraph (b) to clarify that all waterfront facilities handling LNG and LHG—regardless of when they were constructed—must submit the information required in § 127.019.

Subpart B—Waterfront Facilities Handling Liquefied Natural Gas

Proposed Revisions to § 127.101 Design and Construction: General

The Coast Guard proposes to amend this section to reflect the correct section references in the 2019 edition of NFPA 59A, which is proposed to replace the 1994 edition. The standards referenced involve plant siting and layout, piping systems and components, instrumentation and electrical services, transfer systems for LNG, refrigerants, other flammable fluids, and seismic design of LNG plants.

Proposed Revisions to § 127.107 Electrical Power Systems

The Coast Guard proposes to amend paragraph (a) to add the text ''(incorporated by reference, see § 127.003)'' to direct the reader to more details about the material incorporated by reference. Additionally, the Coast Guard proposes to amend paragraph (c) to reflect the correct section references as contained in the 2017 edition of the standard. This change is needed to ensure that auxiliary generators and other sources of power comply with the latest edition of NFPA 70, as indicated in Section 700.12 of this standard.

Proposed Revisions to § 127.201 Sensing and Alarm Systems

The Coast Guard proposes to amend paragraphs (b)(2) and (c)(2) by referencing section 16.4 of the 2019 edition of NFPA 59A. We also propose amending paragraph (c)(1) by referencing section 500.5(B)(1) of the 2017 edition of NFPA 70, which defines a Class 1, Division 1 location. The current regulations reference section 9–4 in the 1994 edition of NFPA 59A and section 500–5(a) in the 1993 edition of NFPA 70.

Proposed Revisions to § 127.313 Bulk Storage

The Coast Guard proposes to amend paragraph (b) by referencing the 2018 edition of NFPA 30. The current regulations reference Chapter 4 of the 1993 edition, which pertains to the storage of containers and portable tanks. The standard has been updated over the years, and information that was once part of Chapter 4 has been relocated to different chapters throughout the standard. Accordingly, we can no longer reference a specific chapter and propose to adopt the standard in total.

Proposed Revisions to § 127.405 Repairs

The Coast Guard proposes to amend paragraphs (a)(1) and (b) by referencing the 2019 edition of NFPA 59A. In paragraph (b) we also propose to reference the 2019 edition of NFPA 51B. The current regulations reference the 1994 edition of NFPA 59A and the 1994 edition of NFPA 51B. Section 10.4.3 of NFPA 59A and NFPA 51B relate to repairs and identify specific requirements for welding and brazing.

Proposed Revisions to § 127.603 Portable Fire Extinguishers

The Coast Guard proposes to amend paragraph (a) by updating NFPA 59A to the 2019 edition and NFPA 10 to the 2018 edition. The current regulations reference the 1994 edition of NFPA 10. Section 16.6.1 of NFPA 59A and Chapter 6 of NFPA 10 relate to portable fire extinguishers and identify specific requirements for portable and wheeled fire extinguishers.

Proposed Revisions to § 127.611 International Shore Connection

In this section, the Coast Guard proposes to change ''ASTM F 1121'' to ''ASTM F 1121–87'' to reference the standard by its correct designation and to reference the 2015 edition of this standard. The standard ASTM F 1121–87 provides specifications for international shore connections used in marine fire applications.

Proposed Removal of § 127.701 Security on Existing Facilities; § 127.703 Access to the Marine Transfer Area for LNG; § 127.705 Security Systems; § 127.707 Security Personnel; § 127.709 Protective Enclosures; and § 127.711 Communications

The Coast Guard proposes to remove these sections from the CFR. These regulations are no longer needed because facilities regulated under part 127 are required to comply with the maritime security regulations for facilities contained in 33 CFR part 105. *See* 33 CFR 105.105(a)(1). Therefore, it is no longer necessary to have security regulations for facilities in part 127.

Subpart C—Waterfront Facilities Handling Liquefied Hazardous Gas

Proposed Revisions to § 127.1101 Piping Systems

In paragraph (a), the Coast Guard proposes to change ''ASME B31.3'' to ''ASME B.31.3–2018'' to reference the standard by its correct designation and to reference the 2018 edition of this standard instead of the 1993 edition. This standard pertains to process piping and contains requirements for piping typically found in petroleum refineries, including chemical, pharmaceutical, textile, paper, semiconductor, cryogenic plants, and related processing plants and terminals. We also propose to reference § 127.003 with respect to the reference to API Recommended Practice 2003 (API RP 2003) in paragraph (h). This standard, as updated in 2015, outlines requirements for protection against ignitions arising out of static, lightning, and stray currents.

Proposed Revisions to § 127.1102 Transfer Hoses and Loading Arms

In paragraph (a)(4)(ii), the Coast Guard proposes to change American National Standards Institute (ANSI) standard ''ANSI B16.5'' to ''ASME B16.5–2017'' to reference the standard by its correct designation and to reference the 2017 edition of the standard. This standard outlines design specifications for pipe flanges and flanged fittings. The current regulations reference a 1988 edition of the standard, but now uses the term ''ANSI'' rather than ''ASME.''

Proposed Revisions to § 127.1103 Piers and Wharves and § 127.1105 Layout and Spacing of Marine Transfer Area for LHG

The Coast Guard proposes to remove the word ''existing'' from these sections to clarify that the regulations in §§ 127.1103 and 127.1105 apply to new construction in the marine transfer area on all LHG facilities and not just to ''existing'' LHG facilities.

Proposed Revisions to § 127.1203 Gas Detection

In paragraph (a), the Coast Guard proposes to change ''ANSI S12.13, Part I'' to ''IEC 60079–29–1'' to reference the name of the standard by which the original ANSI standard is now known. The current regulations reference the 1986 edition of ANSI S.12.13, Part I. We propose to incorporate by reference the July 2016 edition of IEC 60079–29–1, which pertains to performance requirements of detectors for flammable gases.

Proposed Revisions to § 127.1313 Storage of Hazardous Materials

The Coast Guard proposes to amend paragraph (b) by referencing the 2018 edition of NFPA 30. The current regulations reference Chapter 4 of the 1993 edition, which pertains to the storage of containers and portable tanks. The standard has been updated over the years, and information that was once part of Chapter 4 has been relocated to different chapters throughout the standard. Accordingly, we can no longer reference a specific chapter and intend to adopt the standard in total.

Proposed Revisions to § 127.1501 General

The Coast Guard proposes to remove the word ''existing'' to clarify that § 127.1501 applies to new construction on all LHG facilities and not just to ''existing'' LHG facilities.

Proposed Revisions to § 127.1511 International Shore Connection

In this section, the Coast Guard proposes to change ''ASTM F 1121'' to ''ASTM F 1121–87'' to reference the standard by its correct designation and to reference the 2015 edition of this standard. The standard ASTM F 1121–87 provides specifications for international shore connections used in marine fire applications.

Technical Changes

In the following sections, we propose to remove the word ''shall,'' and replace it with the word ''must'' to more clearly convey these sections contain requirements: §§ 127.011, 127.019, 127.301, 127.309, 127.311, 127.313, 127.315, 127.317, 127.319, 127.321, 127.401, 127.403, 127.405, 127.407, 127.409, 127.613, 127.615, 127.617, 127.1207, 127.1301, 127.1302, 127.1309, 127.1311, 127.1313, 127.1315, 127.1317, 127.1319, 127.1321, 127.1325, 127.1401, 127.1403, 127.1405, 127.1407, 127.1409, 127.1601, 127.1603, and 127.1605. Additionally, in §§ 127.005, 127.101, 127.107, 127.201, 127.313, 127.405, 127.603, 127.611, 127.1101, 127.1102, 127.1107, 127.1203, 127.1313, 127.1405, and 127.1503, we propose to add the text ''(incorporated by reference, see § 127.003)'' to direct the reader to more details about the materials incorporated by reference in the ''Incorporation by reference'' section contained in § 127.003. In § 127.107, we propose to delete ''National Electrical Code'' and insert ''NFPA'' in its place to reflect the correct name of NFPA 70.

VII. Incorporation by Reference

Material proposed for incorporation by reference appears in § 127.003. For information about how to view this material, see the **ADDRESSES** section of this preamble. Copies of the material are available from the sources listed in § 127.003. Before publishing a binding rule, we will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

VIII. Regulatory Analyses

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. DHS considers this rule to be an Executive Order 13771 deregulatory action. See the OMB Memorandum titled ''Guidance Implementing Executive Order 13771, titled 'Reducing Regulation and Controlling Regulatory Costs''' (April 5, 2017). Details on the estimated cost savings of this proposed rule can be found in the rule's regulatory analysis below.

We performed our regulatory analysis for this proposed rule based on the Coast Guard's PWSA authority to address safety and security issues raised by the increased use of LNG by maritime vessels. The Coast Guard is proposing to:

- Modify current regulations to allow LNG fuel facilities that do not receive LNG from vessels to conduct an ORA instead of the WSA without first obtaining COTP approval per existing § 127.007;
- Update the technical standards currently referenced in 33 CFR part 127 to reflect the most recent published editions;
- Amend the existing regulations by removing the word ''shall'' and replacing it with the word ''must''; and
- Require a waterfront facility handling LNG that must submit a WSA and LOI (LNG import/export facility) [9] to provide information to the Coast Guard on the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing that facility if that information is known at the time the facilities submit the documents to the COTP.

Table 1 of this analysis provides a summary of the affected population, cost savings, no cost changes, and unquantified benefits of this proposed rule. The Coast Guard estimates an annualized cost savings to industry of $16,157 (with a 7-percent discount rate), and an annualized cost savings to the government of $690 (with a 7-percent discount rate), for a total annualized cost savings of $16,847 in 2018 dollars, using a 7-percent discount rate.

TABLE 1—SUMMARY OF THE IMPACTS OF THE PROPOSED RULE

Category	Summary
Applicability	✓ New LNG import/export facilities. ✓ New LNG Fuel Facilities. ✓ New LHG Facilities.
Affected Population	✓ 20 new LNG import/export facilities over the 10-year analysis period. ✓ 10 new LNG Fuel Facilities over the 10-year analysis period. ✓ 30 new LHG facilities over the 10-year analysis period.
Costs Savings to Industry (7-percent discount rate).	✓ 10-year: ($113,482).* ✓ Annualized: ($16,157) *.
Costs Savings to Government (7-percent discount rate).	✓ 10-year: ($4,845) *.

[9] For the purpose of simplification, in this Regulatory Analysis we refer to a waterfront facility handling LNG that must submit a WSA as an ''LNG import/export facility'' because current U.S. LNG operations involve only the import or export of LNG as cargo.

TABLE 1—SUMMARY OF THE IMPACTS OF THE PROPOSED RULE—Continued

Category	Summary
	✓ Annualized: ($690) *.
Perpetual period total cost savings in 2016 dollars discounted back to 2016 (7-percent discount rate).	✓ Annualized: ($11,527).
No cost changes	✓ Update incorporated technical standards to reflect the most recent published editions.
	✓ Require the LOI of a new LNG import/export facility to include information on the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing that facility.
	✓

* Costs are in 2018 Dollars.

Affected Population

There are currently 12 existing LNG import/export facilities, 3 existing LNG fuel facilities, and 106 existing LHG facilities that are regulated under 33 CFR part 127. Table 2 presents the projected number of LNG import/export facilities, LNG fuel facilities, and LHG facilities over the 10-year analysis period. Based on the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database on activation dates of the 3 existing LNG fuel facilities and the projected activation dates of 1 LNG fuel facility under construction, the Coast Guard estimates that 10 new LNG fuel facilities would be built during the 10-year analysis period, or 1 annually.[10] Using MISLE data on existing LNG import/export facilities, and FERCs list of approved and proposed facilities, the Coast Guard estimates that 20 new LNG import/export facilities would be built during the 10-year analysis period, or 2 annually.[11] Using MISLE data, the Coast Guard estimates that 30 new LHG facilities would be built during the 10-year analysis period, or 3 annually. However, as noted in the supporting statements for the OMB-approved Information Collection Request (ICR) under Control Number 1625–0049, the Coast Guard expects these new LHG facilities to replace existing facilities for a static total population of 106 facilities.[12] If you have comments about these population estimates, please submit comments identified by docket number USCG–2019–0444 using the Federal eRulemaking Portal at *http://www.regulations.gov.*

Table 2 contains the number of new facilities to become operational over a 10-year period of analysis.

TABLE 2—TOTAL FACILITIES BY YEAR

Year	LNG import/export facilities			LHG Facilities			LNG fuel facilities			
	Existing facilities	New facilities	Total	Existing facilities	New facilities	Total	Existing facilities	New facilities	Retiring facilities	Total
1	12	2	14	3	1	4	106	3	3	106
2	14	2	16	4	1	5	106	3	3	106
3	16	2	18	5	1	6	106	3	3	106
4	18	2	20	6	1	7	106	3	3	106
5	20	2	22	7	1	8	106	3	3	106
6	22	2	24	8	1	9	106	3	3	106
7	24	2	26	9	1	10	106	3	3	106
8	26	2	28	10	1	11	106	3	3	106
9	28	2	30	11	1	12	106	3	3	106
10	30	2	32	12	1	13	106	3	3	106

Cost Analysis

Industry Cost Savings

The Coast Guard proposes to add new § 127.008, which would allow businesses that intend to build an LNG fuel facility, modify an existing LNG fuel facility, or reactivate an inactive LNG fuel facility to complete an LOI and ORA instead of an LOI and a WSA under § 127.007. The Coast Guard determined that conducting an ORA is more appropriate than conducting a WSA because the waterfront facilities are handling LNG for the sole purpose of providing LNG from shore-based structures to vessels for use as a marine fuel, and they do not transfer LNG to or receive LNG from vessels capable of carrying LNG in bulk as cargo. The ORA is focused on the safety and security associated with shore-based operations within the marine transfer area, whereas a WSA focuses more on the risks and vulnerabilities of the waterway associated with an LNG import/export facility. Although ORAs and WSAs follow similar procedures for assessing risk, the Coast Guard determined that the scope of the assessment for an LNG fuel facility could be narrowed to focus on operations solely taking place at the facility.

Currently, LNG fuel facilities have the option of submitting an alternative request and completing a modified WSA or ORA that focuses on operational risk, or the option of completing a traditional

[10] The first LNG fuel facility in the U.S. became operational in 2016. The second and third became operational in 2018 and 2019, respectively. The fourth facility is anticipated to start operation by the end of 2020.

[11] Based on FERCs website on approved and proposed LNG import/export facilities, 2 facilities would become active by the end of 2020, 1 facility would become active in 2021, 2 facilities would become active in 2022, 3 facilities would become active in 2023, and 1 facility would become active in 2024. Hence, the Coast Guard has determined that, on average, 2 new LNG import/export facilities would become active annually. See *https://www.ferc.gov/industries-data/natural-gas/overview/lng.*

[12] The supporting statement for the OMB-approved Information Collection Request (ICR) with a Control Number of 1625–0049 can be found at: *https://www.regulations.gov/document?D=USCG-2016-0258-0002.*

WSA that focuses on waterway traffic, security, and navigational hazards in addition to operational risk. As noted in the ''affected population'' section of this analysis, there are currently three active LNG fuel facilities and one other LNG fuel facility that is under construction. Of these four facilities, three submitted alternative requests and were granted permission to conduct an ORA under existing alternative methods because the Coast Guard determined that an ORA was more appropriate for their intended LNG operations. The other LNG fuel facility chose to complete a WSA and thus did not submit an alternative request. Based on this background information and discussions with subject matter experts (SMEs) in the Coast Guard Office of Operating and Environmental Standards (CG–OES), we estimate that 75 percent of the LNG fuel facilities submitted an alternative request and completed an ORA and the other 25 percent completed a WSA (see Table 3 below). If you have comments concerning these estimates, please submit comments identified by docket number USCG–2019–0444 using the Federal eRulemaking Portal at *http://www.regulations.gov.*

According to the OMB-approved ICR for LNG and LHG facilities with an OMB Control Number of 1625–0049, completing an alternative request requires 2 clerical hours and 8 managerial hours. The mean hourly wage rates for clerks and managers were obtained from the U.S. Bureau of Labor Statistics (BLS). The BLS reports that the mean hourly wage rates for clerks and managers were $28.68 and $75.95 in 2018, respectively.[13] To account for the cost of employee benefits, such as vacation time and health insurance, we multiplied the mean hourly wage rates by a load factor of 1.65, resulting in a loaded mean hourly wage rate of about $47.32 for a clerk ($28.68 × 1.65) and about $125.32 for a manager ($75.95 × 1.65).[14]

Therefore, the Coast Guard estimates the labor cost of completing an alternative request to be about $1,097, which includes $94.64 in clerical labor cost (2 clerical hours × $47.32 per hour) and $1,002.56 in managers labor cost (8 managerial hours × $125.32 per hour). With the proposed rule, LNG fuel facilities would no longer submit an alternative request to complete an ORA; therefore, each new facility would have a one-time cost savings of $1,097 (we show the cost occurs annually because of the assumption of one new facility entering service each year). As shown in table 3, given that 75 percent of the new facilities would submit an alternative request, the Coast Guard estimates the annualized cost savings to industry to be about $823 using a 7-percent discount rate.

TABLE 3—DISCOUNTED COST SAVINGS TO INDUSTRY OF NO LONGER COMPLETING AN ALTERNATIVE SUBMISSION

[$2018]

Year (a)	Total change in cost (b)	Total number of facilities completing alternative (c)	Total cost savings (d) = (b) × (c)	Cost savings discounted at 3% (e) = (d) ÷ (1.03) [a]	Cost savings discounted at 7% (f) = (d) ÷ (1.07) [a]
1	$1,097	0.75	$823	$799	$769
2	$1,097	0.75	$823	$776	$719
3	$1,097	0.75	$823	$753	$672
4	$1,097	0.75	$823	$731	$628
5	$1,097	0.75	$823	$710	$587
6	$1,097	0.75	$823	$689	$548
7	$1,097	0.75	$823	$669	$512
8	$1,097	0.75	$823	$650	$479
9	$1,097	0.75	$823	$631	$448
10	$1,097	0.75	$823	$612	$418
Total			$8,229	$7,020	$5,780
Annualized				$823	$823

Totals may not sum due to independent rounding.

As part of requesting an alternative approval to conduct an ORA, the requesting party would meet with the COTP to discuss the alternative. These meetings often require representatives of the requesting firm to travel to meet with the COTP. For this reason, the travel costs associated with these meetings mainly depend on the distance between the facility and the firm's headquarters. Review of the headquarters locations and the site locations of existing and under construction LNG fuel facilities in our MISLE database suggests that 75 percent of the facilities are approximately an 80-mile round trip drive from the COTP; therefore, the Coast Guard assumes the representatives of these facilities would drive to the meeting. Flight travel would be required for visits to the other 25 percent of facilities.[15] Moreover, discussions with Coast Guard SMEs in the CG–OES revealed that a meeting

[13] The Coast Guard used 2018 wage data from the U.S. Bureau of Labor Statistics' Occupational Employment Statistics for the natural gas distribution sector using the North American Industry Classification System with an industry code of 221200. Readers can view the wage rates at *https://www.bls.gov/oes/2018/may/naics4_221200.htm.* Note that we used the occupational code of Information and Record Clerks, OC 43–4000, as a proxy for the labor category ''clerk'', and the occupational code of Architectural and Engineering Managers, OC 11–9041, as a proxy for the labor category ''manager'' as a manager with some engineering knowledge is expected to be involved in completing the alternative request.

[14] To obtain the load factor, we divided the total cost for employers by the wages and salaries of private workers for the utility sector in December 2018, or $61.87/$37.60 = 1.65. Readers can find this information in Table 10 of the Employer Costs for Employee Compensation December 2018 News Release available at *https://www.bls.gov/news.release/archives/ecec_03192019.pdf.*

[15] Of the four LNG fuel facilities (three existing and one projected to be operational in the future), three of the facilities are, on average, within an 80-mile round trip from their respective headquarters. One facility located in Jacksonville, FL, is an approximately 1,700-mile round trip from its headquarters' location in Houston, TX. Based on this information, we assume that 75 percent of participants would drive while the other 25 percent would fly.

would last for an average of 2 hours and involves two managerial employees, one technical employee (engineer) and one outside consultant hired by the firm.

The Coast Guard estimates that it would take approximately 2 hours to complete the 80-mile round trip drive, and including driving time, we estimate the duration of the meeting would take about 4 work hours. The BLS reported a mean hourly wage rate for an engineer to be $51.33 in 2018; using a load factor of 1.65, we obtained a loaded mean hourly wage rate of about $84.69 ($51.33 × 1.65).[16] Discussions with industry consultants revealed that the mean hourly wage rate for a consultant completing WSAs and ORAs for LNG fuel facilities was about $229 in 2017.[17] Using the inflation factor of 1.0225, the Coast Guard estimates the consultant mean hourly wage rate to be about $234 in 2018 dollars.[18]

The Coast Guard estimates the total labor cost per meeting when industry representatives drive to the COTP to be about $2,277 annually, which is the sum of $338.76 in engineer's labor cost (4 hours × $84.69), $1,002.56 in manager's labor cost (2 managers × 4 hours × $125.32), and $936 for the consultant's labor cost (4 hours × $234).

To calculate the cost of driving to the COTP's facility, the Coast Guard used the 2018 General Services Administration (GSA) reimbursable rate for personal vehicles, $0.54 per mile, which considers the cost of fuel, depreciation, maintenance, and insurance.[19] Accordingly, the Coast Guard estimates that an 80-mile round trip drive to the COTP costs about $43.20 (80 miles × $0.54 per mile) annually.

With the proposed rule, industry representatives would no longer need to drive to meet with the COTP to submit and discuss the alternative, resulting in an annual cost savings of $2,321 per meeting ($43 driving cost + $2,277 in labor cost). As shown in table 4, given that about 56.5 percent of the new LNG fuel facilities would drive to the COTP, the Coast Guard estimates the annualized cost savings to industry of no longer having to drive to the COTP to discuss an alternative request to be about $1,299 using a 7-percent discount rate.[20] The Coast Guard estimates the discounted cost savings to industry of no longer driving to meet with a COTP to be about $9,122 over a 10-year period of analysis using a 7-percent discount rate.

TABLE 4—DISCOUNTED INDUSTRY COST SAVINGS FOR NO LONGER MEETING WITH COTP (Driving)

[$2018]

Year	Travel cost	Labor cost	Total change in cost	Total number of facilities *	Cost savings	Cost savings discounted at 3%	Cost savings discounted at 7%
(a)	(b)	(c)	(d) = (b) + (c)	(e)	(f) = (d) × (e)	(g) = (f) ÷ (1.03) [(a)]	(h) = (f) ÷ (1.07) [(a)]
1	$43.20	$2,277	$2,321	0.56	$1,299	$1,262	$1,214
2	$43.20	$2,277	$2,321	0.56	$1,299	$1,225	$1,135
3	$43.20	$2,277	$2,321	0.56	$1,299	$1,189	$1,061
4	$43.20	$2,277	$2,321	0.56	$1,299	$1,155	$991
5	$43.20	$2,277	$2,321	0.56	$1,299	$1,121	$927
6	$43.20	$2,277	$2,321	0.56	$1,299	$1,088	$866
7	$43.20	$2,277	$2,321	0.56	$1,299	$1,057	$809
8	$43.20	$2,277	$2,321	0.56	$1,299	$1,026	$756
9	$43.20	$2,277	$2,321	0.56	$1,299	$996	$707
10	$43.20	$2,277	$2,321	0.56	$1,299	$967	$661
Total					$12,995	$11,085	$9,127
Annualized						$1,299	$1,299

Totals may not sum due to independent rounding.

* The fraction of facilities submitting an alternative for an ORA (0.75) multiplied by the fraction of industry representatives driving to the COTP (0.75).

As stated above, 25 percent of the facilities submitting alternative requests would need to fly to meet with the COTP. The Coast Guard estimates that, including travel time, the trip would take approximately 12 work hours. Accordingly, the labor cost per meeting would be about $6,832, which is the sum of $1,016 for an engineer's labor cost (12 hours × $84.69 per hour), $3,008 for a manager's labor cost (2 managers × 12 hours × $125.32 per hour), and $2,808 for a consultant's labor cost (12 hours × $234 per hour).

To calculate the cost of flying to the COTP's facility, the Coast Guard first computed the cost of a plane ticket, hotel, rental car, and per diem. The Coast Guard estimates the cost of each round trip flight (non-stop) to be about $350, for a total flight cost of $1,400 (4 flight tickets × $350 per flight ticket).[21]

[16] The Coast Guard calculated an engineer's mean hourly wage using 2018 wage data from the U.S. Bureau of Labor Statistics' Occupational Employment Statistics for the natural gas distribution sector using the North American Industry Classification System with an industry code of 221200. Readers can use the link *https://www.bls.gov/oes/2018/may/naics4_221200.htm.* Note that the occupational code for engineers is OC 17–2000.

[17] Discussion with consultants reveal that, on average, in 2017, completing a WSA costs $114,585 and 500 hours. Based on this information, the Coast Guard estimates the mean consultant wage rate to be about $229.17 ($114,585/500 hours = $229.17 per hour) in 2017.

[18] To obtain the inflation factor, we divided the GDP deflator for 2018 (110.382) by the GDP deflator for 2017 (107.948), or 110.382/107.948 = 1.0225.

[19] Readers can view the 2018 reimbursable rates for personal vehicles at: *https://www.govinfo.gov/content/pkg/FR-2018-01-03/pdf/2017-28394.pdf.*

[20] We obtained 56.25 percent by multiplying the proportion of facilities submitting alternative (75 percent) by the proportion driving to the COTP (75 percent). *i.e.,* 0.75 × 0.75 = 0.5625.

[21] U.S. Bureau of Transportation Statistics (*https://www.bts.gov/content/national-level-domestic-average-fare-series*) reports the average cost of a domestic U.S. flight on a quarterly basis. The Coast Guard estimates the mean cost of domestic flight to be $349.56 in 2018.

The Coast Guard assumes that each individual would spend a total of 1 night in a hotel at a cost of $106 per night,[22] for a total cost of $424 (4 rooms × $106 per night). The Coast Guard assumes that the four representatives would share a rental car estimated to cost $61 for transit to and from the airport and the meeting.[23] The Coast Guard also assumes that each individual would need 2 days of meals and incidental allowance (first and last day of travel), which is about $38 per day per person for a total of $304 ($38 per day × 2 days × 4).[24] Accordingly, the Coast Guard estimates the total cost of flight travel to be about $2,189, which includes the cost of plane tickets ($1,400), cost of overnight accommodations ($424), cost of a rental car ($61), and per diem expenses ($304).

The Coast Guard estimates that the proposed rule would result in an annual cost savings of about $9,021 per meeting ($2,189 in transportation cost and $6,832 in labor cost) as industry representatives would no longer need to fly to meet with the COTP. Given that 18.75 percent of the new LNG fuel facilities (one facility a year) would choose to fly to meet with the COTP, the Coast Guard estimates the annualized cost savings to industry of not flying would be about $1,691 ($9,021 × 1 facility × 0.75 × 0.25) using a 7-percent discount rate.[25] Moreover, the Coast Guard estimates the discounted or the present value cost savings to industry of no longer flying to meet with the COTP to be $11,880 over a 10-year period of analysis using a 7-percent discount rate. See table 5 for detail.

TABLE 5—DISCOUNTED INDUSTRY COST SAVINGS FOR NO LONGER MEETING WITH COTP (Flight)

[$2018]

Year (a)	Travel cost (b)	Labor cost (c)	Total change in cost (d) = (b) + (c)	Total number of facilities * (e)	Cost savings (f) = (d) × (e)	Cost savings discounted at 3% (g) = (f) ÷ (1.03) (a)	Cost savings discounted at 7% (h) = (f) × (1.07) (a)
1	$2,189	$1,642	$1,581	$0.1875	$1,691	$1,642	$1,581
2	2,189	1,594	1,477	0.1875	1,691	1,594	1,477
3	2,189	1,548	1,381	0.1875	1,691	1,548	1,381
4	2,189	1,503	1,290	0.1875	1,691	1,503	1,290
5	2,189	1,459	1,206	0.1875	1,691	1,459	1,206
6	2,189	1,417	1,127	0.1875	1,691	1,417	1,127
7	2,189	1,375	1,053	0.1875	1,691	1,375	1,053
8	2,189	1,335	984	0.1875	1,691	1,335	984
9	2,189	1,296	920	0.1875	1,691	1,296	920
10	2,189	1,259	860	0.1875	1,691	1,259	860
Total					16,914	14,428	11,880
Annualized						1,691	1,691

Totals may not sum due to independent rounding.
* The fraction of facilities submitting alternative (0.75) multiplied by the fraction flying to the COTP (0.25).

Based on reviews of data in MISLE and discussions with Coast Guard SMEs, the Coast Guard determined that of the four LNG fuel facilities (three existing and one under construction), three submitted an alternative request and completed an ORA and one completed a WSA. Accordingly, the Coast Guard estimates that under the existing regulatory requirements 25 percent of LNG fuel facilities would complete a full WSA instead of submitting an alternative request. Discussions with industry representatives suggest that consulting firms hired by the facility to conduct WSAs and ORAs would take approximately 289 hours to complete an ORA and 500 hours to complete a WSA. Accordingly, the Coast Guard estimates the average cost to complete a WSA to be $117,000 (500 consultant hours × $234 per hour) and the average cost to complete an ORA to be $67,626 (289 consultant hours × $234 per hour), for a cost savings of $49,374. Table 6 presents the annualized cost savings to industry for completing an ORA in lieu of a WSA. Given that only 25 percent of new facilities complete a WSA, the Coast Guard estimates the total annualized cost savings to industry of completing an ORA in lieu of a WSA to be approximately $12,344 ($49,374 in cost savings × 1 facility × 0.25 of facilities that submit WSAs) using a 7-percent discount rate. The Coast Guard estimates the total discounted or present value cost savings of industry completing an ORA in place of a WSA to be about $86,696 over a 10-year period of analysis using a 7-percent discount rate.

[22] The Coast Guard multiplied the 2018 standard GSA rate for lodging, $93 (which can be found here: *https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=FL&fiscal_year=2016&zip=&city=*), by the mean lodging tax rate of 13.69 percent (which can be found on page 7 of the HVS 2018 Lodging Tax Report: *https://www.hotelnewsresource.com/pdf18/HVS092018.pdf*) for a total cost of $106 per night ($93 per night × 13.69 percent tax = $106 per night) in 2018 dollars.

[23] The Coast Guard used the $50 cost estimate of a round trip airport transfer from the *Validation of Merchant Mariners' Vital Information and Issuance of Coast Guard Merchant Mariner's Licenses and Certificates of Registry Interim Rule* (*https://www.regulations.gov/document?D=USCG-2004-17455-0001*) as a proxy for the cost of a round trip airport transfer, and traveling to and from the meeting. We adjusted the $50 amount to 2018 dollars using an inflation factor of 1.2556, which is obtained by dividing 2018 GDP deflator (110.382) by 2006 GDP deflator (90.006), *i.e.,* 110.382/90.006 = 1.2256. So, we estimate the airport transfer cost to be about $61 ($50 × 1.2256 = $61) in 2018 dollars.

[24] The 2018 GSA rate for meals and incidental expenses for first and last day of travel is $38.25 (See *https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup/?action=perdiems_report&state=FL&fiscal_year=2018&zip=&city=jacksonville*).

[25] We obtained 18.75% by multiplying the proportion of facilities submitting alternative (75%) by the proportion flying to the COTP (25%). *i.e.,* 0.25 × 0.75 = 0.1875.

TABLE 6—DISCOUNTED COST SAVINGS TO INDUSTRY OF COMPLETING ORAS AS OPPOSED TO WSAS

[$2018]

Year (a)	Total change in cost (b)	Total number of new LNG fuel facilities (c)	Total cost savings (d) = (b) × (c)	Cost savings discounted at 3% (j) = (i) ÷ (1.03) [a]	Cost savings discounted at 7% (k) = (i) ÷ (1.07) [a]
1	$49,374	0.250	$12,344	$11,984	$11,536
2	49,374	0.250	12,344	11,635	10,781
3	49,374	0.250	12,344	11,296	10,076
4	49,374	0.250	12,344	10,967	9,417
5	49,374	0.250	12,344	10,648	8,801
6	49,374	0.250	12,344	10,337	8,225
7	49,374	0.250	12,344	10,036	7,687
8	49,374	0.250	12,344	9,744	7,184
9	49,374	0.250	12,344	9,460	6,714
10	49,374	0.250	12,344	9,185	6,275
Total			123,435	105,293	86,696
Annualized				12,344	12,344

Totals may not sum due to independent rounding.

Total Cost Savings to Industry

Table 7 contains the total cost savings to industry of removing the requirements that LNG fuel facilities submit an alternative request and meet with the COTP to conduct an ORA in lieu of a WSA. The Coast Guard estimates the total present value or discounted cost savings to industry of the proposed rule over a 10-year period of analysis to be about $113,482 in 2018 dollars, using a 7-percent discount rate. The Coast Guard estimates the annualized cost savings to industry to be about $16,157 in 2018 dollars, using a 7-percent discount rate.

TABLE 7—TOTAL INDUSTRY COST SAVINGS

[$2018]

Year (a)	Cost savings item: Alternative submission (b)	Industry cost for driving to meeting with COTP (c)	Industry cost for flying to meeting with COTP (d)	ORA instead of WSA (e)	Total cost savings (undiscounted) (f) = (b) + (c) + (d) + (e)	Cost savings discounted at 3% (g) = (f) ÷ (1.03) [a]	Cost savings discounted at 7% (h) = (f) ÷ (1.07) [a]
1	$823	$1,299	$1,691	$12,344	$16,157	$15,687	$15,100
2	823	1,299	1,691	12,344	16,157	15,230	14,112
3	823	1,299	1,691	12,344	16,157	14,786	13,189
4	823	1,299	1,691	12,344	16,157	14,356	12,326
5	823	1,299	1,691	12,344	16,157	13,937	11,520
6	823	1,299	1,691	12,344	16,157	13,532	10,766
7	823	1,299	1,691	12,344	16,157	13,137	10,062
8	823	1,299	1,691	12,344	16,157	12,755	9,404
9	823	1,299	1,691	12,344	16,157	12,383	8,789
10	823	1,299	1,691	12,344	16,157	12,023	8,214
Total					161,573	137,825	113,482
Annualized						$16,157	$16,157

Totals may not sum due to independent rounding.

Changes With No Cost Impacts

The Coast Guard is proposing to incorporate by reference updated and new industry standards that are available and known to the industry. Based on discussions with an industry consultant and SMEs in the CG–OES, the Coast Guard determined that new, expanded, and modified LNG import/export facilities, LNG fuel facilities, and LHG facilities are built to the most current industry standards available at the time of construction, expansion, or modification and not the outdated standards currently codified in 33 CFR part 127. In addition, the new industry standards do not apply to facilities constructed, expanded, or modified under a contract awarded after the implementation date of the final rule. Hence, the Coast Guard does not anticipate owners and operators of new, expanded and modified facilities to incur any cost to meet the updated or new industry standards. If you have comments concerning this assumption, please submit comments identified by docket number USCG–2019–0444 using the Federal eRulemaking Portal at *http://www.regulations.gov.*

In addition, as part of the LOI, the Coast Guard proposes to add new paragraph § 127.007(g) requiring an LNG import/export facility that complete a WSA to provide information to the Coast Guard on the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting liquefied natural gas that are reasonably anticipated to be servicing that facility. This requirement would only be applicable when a facility has to submit the LOI and WSA to the Coast Guard and is not required every time a vessel comes to port. Because both the LOI and WSA are submitted years before the facility becomes operational, Coast Guard SMEs have determined that it is highly unlikely any specific details regarding vessels and their crew would be known at the time the LOI and WSA are submitted. Table 8 summarizes the proposed changes with no cost impacts. If you have comments or have questions concerning the no cost determination presented in Table 8, please submit comments identified by docket number USCG–2019–0444 using the Federal eRulemaking Portal at *http://www.regulations.gov.*

TABLE 8—SUMMARY OF PROPOSED CHANGES TO 33 CFR 127 WITH NO ECONOMIC IMPACTS

Topic	CFR section	Facility type(s)	Changes to baseline requirements	Cost impact
General Requirements				
Authority		All	• Revised the authority citation to read as 46 U.S.C. 70011 and 70034; Department of Homeland Security Delegation No. 0170.1.	• No cost. This change is administrative in nature.
Applicability	§ 127.001	All	• Amended paragraph (a) and (c) by removing the word "existing" because the term as it is currently defined in § 127.005 does not cover waterfront facilities handling LNG and LHG constructed after 1988 and 1996, respectively.	• No cost. This change is administrative in nature.
		Inactive LNG fuel and import/export facilities.	• Amended paragraph (c) by removing a reference to § 127.701, which contains security requirements for inactive LNG facilities.	• No cost. The Coast Guard has determined that the security requirements are now covered under 33 CFR part 105 and thus reference to § 127.701 in paragraph (c) is duplicative. Accordingly, removing the requirement does not have cost implications
		All	• Waterfront facilities handling LNG and LHG constructed, expanded or modified under a contract awarded after [INSERT 30 DAYS AFTER PUBLICATION IN THE **Federal Register**] are required to comply with the standards referenced in § 127.003. All other facilities, unless expanded or modified in accordance with this part, are required to meet the standards that were in effect at the time the facilities were constructed, but may request to apply a later edition of the standards in accordance with § 127.017.	• No cost. This change is administrative in nature.
Incorporation by reference.	§ 127.003	All	• Updated standards that are currently listed to reflect the latest edition of the standards available and adding three new standards for incorporation by reference (see section "Discussion of Proposed Rule" of this preamble for a list of these standards).	• No cost. The Coast Guard has determined that all new LNG import/export facilities, LNG fuel facilities, and LHG facilities would meet the most recent industry standards in the absence of regulation.
Definitions	§ 127.005	All	• Added new definitions for "LNG fuel facility" and modified the existing definitions for "Facility" and "Fire endurance rating.".	• No cost. This change is administrative in nature.
LOI and WSA	§ 127.007	New LNG import/export facilities and LHG Facilities.	• Amended paragraph (a), (b), and (e) by removing the word "existing" because the term as it is currently defined in § 127.005 does not cover waterfront facilities handling LNG and LHG constructed after 1988 and 1996, respectively.	• No cost. This change is administrative in nature
		New LNG Fuel Facilities.	• Excluded LNG fuel facilities from this section because they will be addressed in a new § 127.008.	• No cost. This change is administrative in nature.

TABLE 8—SUMMARY OF PROPOSED CHANGES TO 33 CFR 127 WITH NO ECONOMIC IMPACTS—Continued

Topic	CFR section	Facility type(s)	Changes to baseline requirements	Cost impact
		New LNG import/ export facilities.	• Added a new paragraph (g) requiring a LNG import/export facility to provide information to the Coast Guard on the nation of registry of the vessels for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing that facility.	• No cost. The Coast Guard has determined that facilities with specific details regarding vessels and their crew would not be known at the time of LOI and ORA submission.
			• Added a new paragraph (j) to clarify that an owner or operator intending to construct a new LNG fuel facility or modify any LNG fuel facility, or reactivate an inactive LNG fuel facility may comply with § 127.008 in lieu of meeting the requirements in this section.	• No cost. This change is administrative in nature.
LOI and ORA	§ 127.008	New LNG Fuel Facilities.	• Identified industry standards related to conducting risk assessments on LNG fuel facilities.	• No cost. The Coast Guard has determined that all new LNG fuel facilities and LHG facilities would meet the most recent industry standards in the absence of regulation.
Letter of Recommendation.	§ 127.009	All New Facilities ...	• Updated text to refer to § 127.008	• No cost. This change is administrative in nature, and it only clarifies that the letter for recommendation may be sent after the receipt of a WSA or ORA.
Inspection of Waterfront Facilities.	§ 127.011	All New Facilities ...	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Appeals	§ 127.015	All New Facilities ...	• Updated the address of Coast Guard Headquarters.	• No cost. This change is administrative in nature.
			• Updated the name of the Coast Guard office reviewing appeals.	• No cost. This change is administrative in nature.
Alternatives	§ 127.017	All New Facilities ...	• Added reference to § 127.003	• No cost. This change is administrative in nature
Operations Manual and Emergency Manual Procedures for Examination.	§ 127.019	All New Facilities ...	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
			• Amended paragraph (b) by removing the word ''existing'' to clarify that all waterfront facilities handling LNG and LHG regardless of when they were constructed must submit the information required in § 127.019.	• No cost. This change is administrative in its nature.
LNG—Design and Construction				
Design and Construction General.	§ 127.101	New LNG Facilities	• Updated references to NFPA 59A chapters and sections to reflect the numbering in the most recent edition.	• No cost. This change is administrative in nature.
Electrical Power System.	§ 127.107	New LNG Facilities	• Added references to § 127.003, ''Incorporation by reference.''.	• No cost. The Coast Guard has determined that that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
			• Removed a reference to the National Electrical Code.	• No cost. This change is administrative in nature.
LNG—Equipment				
Sensing and Alarm Systems.	§ 127.201	New LNG Facilities	• Added references to § 127.003, ''Incorporation by reference.''.	• No cost. The Coast Guard has determined that that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
			• Updated references to NFPA 59A sections to reflect the numbering in the most recent edition.	• No cost. This change is administrative in nature.

TABLE 8—SUMMARY OF PROPOSED CHANGES TO 33 CFR 127 WITH NO ECONOMIC IMPACTS—Continued

Topic	CFR section	Facility type(s)	Changes to baseline requirements	Cost impact
LNG—Operations				
Persons in Charge of Shoreside Transfer Operations: Qualifications and Certification.	§ 127.301	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Operations Manual and Emergency Manual Use.	§ 127.309	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Motor Vehicles	§ 127.311	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Bulk Storage	§ 127.313	New LNG Facilities	• Replaced the word "shall" with "must.". • Added references to § 127.003, "Incorporation by reference.	• No cost. This change is administrative in nature. • No cost. The Coast Guard has determined that that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
Primary Transfer Inspection.	§ 127.315	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Declaration of Inspection.	§ 127.317	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
LNG Transfer	§ 127.319	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Release of LNG	§ 127.321	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
LNG—Maintenance				
Maintenance: General.	§ 127.401	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Inspections	§ 127.403	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Repairs	§ 127.405	New LNG Facilities	• Replaced the word "shall" with "must.". • Updated references to NFPA 59A sections to reflect the numbering in the most recent edition. • Added references to § 127.003, "Incorporation by reference.".	• No cost. This change is administrative in nature. • No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
Testing	§ 127.407	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Records	§ 127.409	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
LNG—Fire Equipment				
Portable Fire Extinguishers.	§ 127.603	New LNG Facilities	• Added references to § 127.003, "Incorporation by reference.". • Updated references to NFPA 59A sections to reflect the numbering in the most recent edition.	• No cost. The Coast Guard has determined that that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation. • No cost. This change is administrative in nature.
International Shore Connection.	§ 127.611	New LNG Facilities	• Added references to § 127.003, "Incorporation by reference.". • Updated the referenced version of ASTM F 1121–87.	• No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
Smoking	§ 127.613	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. This change is administrative in nature.
Fires	§ 127.615	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. These changes are administrative in nature.
Hotwork	§ 127.617	New LNG Facilities	• Replaced the word "shall" with "must.".	• No cost. These changes are administrative in nature.

TABLE 8—SUMMARY OF PROPOSED CHANGES TO 33 CFR 127 WITH NO ECONOMIC IMPACTS—Continued

Topic	CFR section	Facility type(s)	Changes to baseline requirements	Cost impact
			LNG—Security	
Security on Existing Facilities.	§ 127.701	New LNG Facilities	• Removed the section as the requirements in this section are no longer needed because facilities regulated under part 127 are required to comply with the maritime security facilities regulations contained in 33 CFR part 105.	• No cost. These changes are administrative in nature
Access to the Marine Transfer Area for LNG.	§ 127.703	New LNG Facilities	• Removed the section as the requirements in this section are no longer needed because facilities regulated under part 127 are required to comply with the maritime security facilities regulations contained in 33 CFR part 105.	• No cost. These changes are administrative in nature.
Security Systems ...	§ 127.705	New LNG Facilities	• Removed the section as the requirements in this section are no longer needed because facilities regulated under Part 127 are required to comply with the maritime security facilities regulations contained in 33 CFR part 105..	• No cost. These changes are administrative in nature.
Security Personnel	§ 127.707	New LNG Facilities	• Removed the section as the requirements in this section are no longer needed because facilities regulated under Part 127 are required to comply with the maritime security facilities regulations contained in 33 CFR part 105.	• No cost. These changes are administrative in nature.
Protective Enclosures.	§ 127.709	New LNG Facilities	• Removed the section as the requirements in this section are no longer needed because facilities regulated under part 127 are required to comply with the maritime security facilities regulations contained in 33 CFR part 105.	• No cost. These changes are administrative in nature.
Communications	§ 127.711	New LNG Facilities	• Removed the section as the requirements in this section are no longer needed because facilities regulated under part 127 are required to comply with the maritime security facilities regulations contained in 33 CFR part 105.	• No cost. These changes are administrative in nature.
			LHG—Design and Construction	
Piping Systems	§ 127.1101	New LHG Facilities	• Updated the referenced version of ASME B31.3. • Added references to § 127.003, ''Incorporation by reference.''.	• No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
Transfer Hoses and Loading Arms.	§ 127.1102	New LHG Facilities	• Updated the referenced version of ASME B16.5. • Added references to § 127.003, ''Incorporation by reference.''.	• No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
Piers and wharves	§ 127.1103	New LHG	• Removed the word ''existing'' from this section to clarify the requirements in this section apply to new constructions in the marine transfer area on all LHG facilities, and not just to ''existing'' facilities.	• No cost. These changes are administrative in nature.
Layout and spacing of marine transfer area for LHG.	§ 127.1105	New LHG	• Removed the word ''existing from this section to clarify the requirements in this section apply to new constructions in the marine transfer area on all LHG facilities, and not just to ''existing'' facilities.	• No cost. These changes are administrative in nature.

TABLE 8—SUMMARY OF PROPOSED CHANGES TO 33 CFR 127 WITH NO ECONOMIC IMPACTS—Continued

Topic	CFR section	Facility type(s)	Changes to baseline requirements	Cost impact
Electrical Systems ..	§ 127.1107	New LHG Facilities	• Added references to § 127.003, ''Incorporation by reference.''.	• No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
LHG—Equipment				
Gas Detection	§ 127.1203	New LHG Facilities	• Updated the referenced version of UL 60079–29–1.. • Added references to § 127.003, ''Incorporation by reference.''.	• No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
Warning Alarms	§ 127.1207	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. These changes are administrative in nature.
LHG—Operations				
Persons in Charge of Transfers for the Facility: Qualifications and Certification..	§ 127.1301	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Training	§ 127.1302	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Operations Manual and Emergency Manual Use.	§ 127.1309	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Motor Vehicles	§ 127.1311	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Storage of Hazardous Materials.	§ 127.1313	New LHG Facilities	• Replaced the word ''shall'' with ''must.''. • Added references to § 127.003, ''Incorporation by reference.''.	• No cost. This change is administrative in nature.
Preliminary Transfer Inspection.	§ 127.1315	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Declaration of Inspection.	§ 127.1317	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Transfer of LHG	§ 127.1319	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Release of LHG	§ 127.1321	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Access to Marine Transfer Area for LHG.	§ 127.1325	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
LHG—Maintenance				
General	§ 127.1401	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Inspections	§ 127.1403	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Repairs	§ 127.1405	New LHG Facilities	• Replaced the word ''shall'' with ''must.''. • Added references to § 127.003, ''Incorporation by reference.''.	• No cost. This change is administrative in nature. • No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
Tests	§ 127.1407	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
Records	§ 127.1409	New LHG Facilities	• Replaced the word ''shall'' with ''must.''.	• No cost. This change is administrative in nature.
LHG—Fire Equipment				
General	§ 127.1501	New LHG facilities	• Amended this section by removing the word ''existing'' to clarify that § 127.1501 applies to new LHG facilities, not just ''existing'' LHG facilities..	• No cost. This change is administrative in nature.
Portable Fire Extinguishers.	§ 127.1503	New LHG Facilities	• Added references to § 127.003, ''Incorporation by reference.''.	• No cost. This change is administrative in nature.

TABLE 8—SUMMARY OF PROPOSED CHANGES TO 33 CFR 127 WITH NO ECONOMIC IMPACTS—Continued

Topic	CFR section	Facility type(s)	Changes to baseline requirements	Cost impact
International Shore Connection.	§ 127.1511	New LHG Facilities	• Added references to § 127.003, "Incorporation by reference.". • Updated the referenced version of ASTM F 1121–87.	• No cost. This change is administrative in nature. • No cost. The Coast Guard has determined that all new LNG and LHG facilities would meet the most recent industry standards in the absence of regulation.
LHG—Fire Protection				
Smoking	§ 127.1601	New LHG Facilities	• Replaces the word "shall" with "must.".	• No cost. This change is administrative in nature.
Hotwork	§ 127.1603	New LHG Facilities	• Replaces the word "shall" with "must.".	• No cost. This change is administrative in nature.
Other Sources of Ignition.	§ 127.1605	New LHG Facilities	• Replaces the word "shall" with "must.".	• No cost. This change is administrative in nature.

Cost Savings to Government

Under the current regulation in § 127.017, the Coast Guard must review alternative requests submitted by facilities seeking to conduct a modified WSA. According to the most recent ICR for 33 CFR part 127 with an OMB Control Number of 1625–0049, reviewing an alternative request requires 4 hours of enlisted staff time (2 hours of E–5 time and 2 hours of E–6 time) and 1 hour of two officers' time combined (0.5 hours of O–2 time and 0.5 hours of O–3 time). To estimate the labor cost of reviewing alternative requests, we used loaded hourly wage rates of officers and enlisted staff members in *Commandant Instruction 7310.1T, Coast Guard Reimbursable Standard Rates.* For the 2018 fiscal year, the loaded hourly wage rates for O–2, O–3, O–4, E–5, and E–6 employees were $69, $82, $97, $54, and $61, respectively.[26] Accordingly, the Coast Guard estimates the total labor cost of reviewing an alternative request to be about $306, which includes $76 in officers labor cost [(0.5 hours of O–2 time × $69) + (0.5 hours of O–3 time × $82)] and $230 in enlisted staff labor cost [(2 hours of E–5 time × $54) + (2 hours of E–6 time × $61)].

Given that 75 percent of LNG fuel facilities have currently submitted an alternative request and given that there is only one submission, the Coast Guard estimates annualized cost savings to the Federal Government of no longer reviewing these requests to be about $229 ($306 in cost saving × 1 facility × 0.75) using a 7-percent discount rate.

In addition to reviewing the alternative request, Coast Guard staff must also meet with representatives of the firm submitting the alternative request. Discussions with Coast Guard SMEs in the CG–OES revealed that the meeting lasts 2 hours and involves an O–3 and O–4 level staff of the Coast Guard. Accordingly, the Coast Guard estimates the total labor cost of reviewing an alternative request to be $358 ((2 hours of O–3 time × $82) + (2 hours of O–4 time × $97)). Therefore, given the assumption that 75 percent of LNG fuel facilities would submit alternative requests and given that there will be one submission, the average annual cost savings to the Federal Government of no longer meeting facility representatives would be $269 ($358 in cost saving × 1 facility × 0.75), undiscounted.

Finally, the Coast Guard expects the Federal Government to save money from reviewing an ORA when compared to a WSA. The OMB-approved ICR with a Control Number of 1625–0049 reports that reviewing a WSA and the corresponding Hazard Identification (HAZID)[27] study requires 20 hours of enlisted staff time (10 hours of E–5 time and 10 hours of E–6 time) and 40 hours of officer time (20 hours of O–2 time and 20 hours of O–3 time), costing approximately $4,170 ((10 hours of E–5 time × $54) + (10 hours of E–6 time × $61) + (20 hours of O–2 time × $69) + (20 hours of O–3 time × $82)). Based on discussions with Coast Guard SMEs in Sector Jacksonville, reviewing an ORA and the corresponding HAZID study requires 38 hours of officer time (19 hours of O–3 time and 19 hours of O–4 time), costing about $3,401 ((19 hours of O–3 time × $82) + (19 hours of O–4 time × $97)). Accordingly, the Coast Guard estimates that the cost savings from reviewing an ORA instead of a WSA is about $769 ($4,170—$3,401), undiscounted. Therefore, given only 25 percent of the LNG facilities currently conduct a WSA instead of submitting an alternative request, the Coast Guard estimates the annualized cost savings to the government of reviewing an ORA instead of a WSA to be about $192 ($769 in cost savings × 1 facility × 0.25) using a 7-percent discount rate.

Table 9 presents the total cost savings to the Federal Government of the proposed change that would eliminate the requirement to submit an alternative request and meet with the COTP to conduct an ORA in lieu of a WSA. The Coast Guard estimates the total discounted or present value cost to the Federal Government over a 10-year period of analysis to be about $4,845 using a 7-percent discount rate. The Coast Guard estimates the annualized cost savings to the Federal Government to be about $690 using a 7-percent discount rate.

[26] Readers can find the wage rates of officers and enlisted staff members on page 2 of Enclosure 2 of the Commandant Instruction 7310.1T. This document is available in the docket where indicated under the Public Participation and Request for Comments section of this preamble.

[27] A HAZID study is carried out to identify the main risks that can occur during LNG transfers from an LNG fuel facility to a receiving vessel.

TABLE 9—TOTAL GOVERNMENT COST SAVINGS

[$2018]

Year	Cost savings item			Total cost savings	Cost savings discounted at 3%	Cost savings discounted at 7%
	Alternative submission review	Meeting with industry representatives	Reviewing WSAs			
(a)	(b)	(c)	(d)	(e) = (b) + (c) + (d)	(f) = (e) ÷ (1.03) [a]	(g) = (e) ÷ (1.07) [a]
1	$229	$269	$192	$690	$670	$645
2	229	269	192	690	650	603
3	229	269	192	690	631	563
4	229	269	192	690	613	526
5	229	269	192	690	595	492
6	229	269	192	690	578	460
7	229	269	192	690	561	430
8	229	269	192	690	545	402
9	229	269	192	690	529	375
10	229	269	192	690	513	351
Total				6,899	5,885	4,845
Annualized					690	690

Totals may not sum due to independent rounding.

Total Cost Savings

Table 10 summarizes the total costs of this proposed rule to industry and the Federal Government for the 10-year period of analysis. The Coast Guard estimates the total discounted or present value cost to industry and the Federal Government over a 10-year period of analysis to be about $118,328 in 2018 dollars, using a 7-percent discount rate. We estimate the annualized cost savings to be about $16,847 in 2018 dollars, using a 7-percent discount rate. Using a perpetual period of analysis, the Coast Guard estimates the total annualized cost savings of this notice of proposed rulemaking to be $11,527 in 2016 dollars and discounted back to 2016 using a 7-percent discount rate.

TABLE 10—TOTAL COST SAVINGS TO INDUSTRY AND THE FEDERAL GOVERNMENT

[$2018]

Year	Industry cost savings	Government cost savings	Total cost savings	Discounted cost savings	
				3%	7%
1	$16,157	$690	$16,847	$16,357	$15,745
2	16,157	690	16,847	15,880	14,715
3	16,157	690	16,847	15,418	13,752
4	16,157	690	16,847	14,969	12,853
5	16,157	690	16,847	14,533	12,012
6	16,157	690	16,847	14,109	11,226
7	16,157	690	16,847	13,698	10,492
8	16,157	690	16,847	13,299	9,805
9	16,157	690	16,847	12,912	9,164
10	16,157	690	16,847	12,536	8,564
Total	161,573	6,899	168,472	143,710	118,328
Annualized				16,847	16,847

Totals may not sum due to independent rounding.

Alternatives

While developing this proposed rule, the Coast Guard considered three alternatives to the proposed rule. We present a summary of the alternatives below and show their corresponding impact and cost savings in table 11.

Alternative 1: No Action Alternative

In this alternative, the Coast Guard would accept the *status quo* and review each proposal for an LNG fuel facility on a case-by-case, equivalency basis. We rejected this alternative because the Coast Guard believes this approach is inefficient in an environment of growing interest in LNG fuel because it does not respond to the needs of the U.S. maritime industry. This alternative would not impose any additional costs on industry, nor would LNG fuel facilities receive any cost savings from submitting an ORA as opposed to a WSA.

Alternative 2: Submit an ORA, but Do Not Update the IBR Standards Alternative

Under this alternative, the Coast Guard would reduce industry burden by allowing new LNG fuel facilities to submit an ORA instead of a WSA. This alternative would not impose any additional costs to industry. We rejected this alternative because the Coast Guard would not be updating the existing incorporated by reference (IBR)

standards and regulations would continue to reference outdated standards instead of reflecting industry best practices and the best technologies available to industry.

Alternative 3: Continue To Meet With the COTP When Submitting the ORA

Under this alternative, the Coast Guard would allow new LNG fuel facilities to submit an ORA instead of a WSA as long as the facility representatives meet with the COTP and get the ORA approved. Although this alternative is less burdensome compared to the baseline, the Coast Guard rejected this alternative because it would require industry representatives to continue meeting with the COTP in person to discuss the ORA. A requirement to meet the COTP would needlessly impose greater burden than the proposed rule without providing an improvement in safety sufficient to justify the difference in burden.

TABLE 11—COMPARISON OF REGULATORY ALTERNATIVES

Alternative	Annualized total cost savings	Impact of the alternative
Proposed Rule	$16,847	Codifies industry standards establishing national baseline safety standards and alleviating discrepancies and unnecessary duplication between regulatory standards and industry best practices. In addition, the NPRM reduces the burden to industry by allowing new LNG fuel facilities to submit an ORA instead of a WSA without first having to submit an alternative request and meet with the COTP to obtain approval.
Alternative 1*: No Action*	0	Does not codify minimum safety standards, respond to industry needs, or reduce industry burden. It does not impose any additional costs.
Alternative 2: *Submit an ORA, but do not update the IBR Standards Alternative.*	16,847	The alternative would reduce the burden to industry by allowing new LNG fuel facilities to submit an ORA instead of a WSA without first having to submit an alternative request and meet with the COTP to obtain approval. However, this alternative would not codify minimum safety standards. This alternative would not impose any additional costs to industry.
Alternative 3: *Continue to Meet with the COTP when submitting an ORA.*	13,166	The alternative codifies industry standards establishing national baseline safety standards. In addition, the alternative reduces the burden to industry by allowing new LNG fuel facilities to submit an ORA instead of a WSA without first having to submit an alternative request and meet with the COTP to obtain approval. However, this alternative still requires meeting with the COTP, making it more burdensome compared to the NPRM. This alternative would not impose any new cost to industry, but has less cost savings compared to Alternative 2.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, the Coast Guard considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Below is a threshold analysis of the small entity impacts.

The proposed rule would apply to new LNG fuel facilities, LNG import and export facilities, and new LHG facilities.

LNG Fuel Facilities

The Coast Guard has determined the proposed rule would have no cost or a cost savings impact on existing LNG fuel facilities and would generate cost savings to one new facility per year. In particular, the Coast Guard estimates that the proposed rule would generate a cost savings of about $16,153, using 7-percent discount rate, to one new LNG fuel facility per year. To estimate the potential impact on small entities, the $16,153 in cost saving has to be compared with the annual revenue data of the new LNG fuel facility impacted by the proposed rule. The Coast Guard determined that an entity would have to have an annual revenue of $1,615,300 or less for the proposed rule to have an impact greater than 1 percent of revenue.

Moreover, using the Small Business Administration's (SBA) size standards table,[28] the Coast Guard has determined that two of the four LNG fuel facilities are small entities. These two small entities have a North American Industry Classification System (NAICS) code of 213112 and 541990. Based on SBA's size standards table, the size standard for these codes are $38.5 million and $15 million, respectively. Publicly available data suggests that the annual revenue of the two facilities are about $2.4 million and about $3.8 million. Thus, conservatively assuming the new LNG fuel facility would have annual revenues equivalent to the smallest entity in the industry, the Coast Guard estimates that the economic impact, in the form of cost savings, of the proposed rule would be approximately 0.673 percent of revenue (($16,153/$2,400,000) × 100 = 0.673).

No not-for-profit organizations are involved with LNG fuel facilities. In addition, this proposed rule would not have an adverse or beneficial impact on small government entities.

LNG Import and Export Facilities

The Coast Guard has determined that the proposed rule would have no cost or a cost savings impact on existing and new LNG import/export facilities. Moreover, no not-for-profit organizations are involved with LNG import/export facilities. This proposed rule would not have an adverse or beneficial impact on small government entities.

LHG Facilities

The Coast Guard has determined that the proposed rule would have no cost or a cost savings impact on existing and new LHG facilities. Moreover, no not-for-profit organizations are involved with LHG facilities. This proposed rule would not have an adverse or beneficial impact on small government entities.

As noted above, the Coast Guard has determined that the economic impact on the affected small entities is not significant. Thus, the Coast Guard certifies under 5 U.S.C. 605(b) that this

[28] Readers can view industry size standards at the following link *https://www.sba.gov/document/support—table-size-standards (accessed 07/11/2019).*

proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This proposed rule would call for a revised collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collection, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Waterfront Facilities Handling Liquefied Natural Gas and Liquefied Hazardous Gas.

OMB Control Number: 1625–0049.

Summary of the Collection of Information: The Coast Guard currently collects information from waterfront facilities handling LNG and LHG under 33 CFR part 127. The current information collection request (ICR 201609–1625–002, OMB Control Number 1625–0049) contains requirements in the following sections: LOIs, WSAs, the submission of appeals to the Coast Guard, the submission of alternatives to the Coast Guard, Operations Manuals, Emergency Manuals, Certification of the Person in Charge, Declaration of Inspection, and Records of Maintenance. In addition, the proposed rule would add a new collection of information for ORA submissions for new LNG fuel facilities.

Need for Information: The Coast Guard has regulations that provide safety standards for the design and construction, equipment, operations, maintenance, personnel training, and fire protection at waterfront facilities handling LNG. These regulations help reduce the probability that an accident could occur and help reduce the damage and injury to persons and property should an accident occur.

Use of Information: The Coast Guard currently uses the information collected under OMB Control Number 1625–0049 for the following purposes: (1) Determine the suitability of a waterfront facility handling LNG to safely conduct LNG fuel transfer operations; (2) properly evaluate alternative procedures to ensure they provide at least the same degree of safety as the regulations; (3) ensure that safe operating procedures and an effective training program are set up by the waterfront facility operator; (4) ensure that effective procedures have been set up by the waterfront facility operator to respond to emergencies; ensure the person in charge of an LNG or LHG transfer is properly qualified; and (5) verify that persons in charge are following proper transfer procedures.

Description of the Respondents: The respondents are LNG import/export facilities, LNG fuel facilities, and LHG facilities.

Number of Respondents: The currently approved number of respondents for this collection of information is 156 respondents, comprised of 143 LHG facilities and 13 waterfront facilities handling LNG (2 LNG fuel facilities and 11 LNG import/export facilities). Based on the most recent population data from MISLE, the current number of respondents is 121, comprised of 106 LHG facilities and 15 waterfront facilities handling LNG (3 LNG fuel facilities and 12 LNG import/export facilities). The Coast Guard anticipates the number of waterfront facilities handling LNG would increase by three annually (two new LNG import/export facilities and one LNG fuel facility). The Coast Guard also anticipates three new LHG facilities would replace three retiring facilities annually, maintaining the number of LHG facilities at 106 throughout the 10-year period of analysis. Accordingly, the number of respondents is anticipated to be 124 (106 LHG facilities + 14 LNG import/export facilities + 4 LNG fuel facilities) respondents in year 1; 127 (106 LHG facilities + 16 LNG import/export facilities + 5 LNG fuel facilities) respondents in year 2; and 130 (106 LHG facilities + 18 LNG import/export facilities + 6 LNG fuel facilities respondents in year 3.

Frequency of Response: The number of responses per year pursuant to this proposed rule would vary by requirement. The proposed rule does not change the frequency of responses for existing requirements. However, the proposed rule introduces a new ORA requirement, which is a one-time requirement for the lifetime of the LNG fuel facility.

Burden of Response: The burden per response for each regulatory requirement varies. Because the Coast Guard possesses better data now than it did the last time collection 1625–0049 was renewed, the proposed rule would adjust the currently approved burden to complete a WSA from 704 hours to 500 hours and would create a new burden of 289 hours to complete an ORA. The proposed rule would also eliminate the 10 hours of burden required to prepare an alternative request.

Estimate of Total Annual Burden: The first year burden to respondents of this proposed rule is 6,720 hours, which is a 3,015 hour reduction in burden from the current corresponding ICR approved under OMB Control Number 1625–0049 total of 9,734 hours. This reduction in burden is the result of both program changes of 221 hours and adjustment changes of 2,794 hours. The program changes correspond to the proposed removal of a WSA and an alternative request, which requires 510 hours (500 hours for a WSA and 10 hours for an alternative request) to complete, in lieu of an ORA, which requires 289 hours. The adjustment change or a reduction of 2,794 hours includes the following: (1) A 4-hour increase in burden due to rounding errors; (2) a 919-hour increase in burden due to adjustment in the

number of existing LNG facilities from 13 to 15 and the number of new LNG facilities that need to complete a WSA under the existing regulation from 1 per year to 3 per year (1 new LNG fuel facility per year and 2 new LNG import/export facilities per year); (3) a 3,105-hour reduction in burden due to adjustment in the number of existing LHG facilities from 143 per year to 106 per year, and the corresponding adjustment in new facilities from 5 per year to 3 per year; and (4) a 612-hour reduction in burden due to adjustments to the number of hours required to complete a WSA from 704 per year to 500 per year (the difference is a result of going from 704 hours to complete a WSA for 3 facilities a year, or 2,112 hours, to 500 hours to complete a WSA for the same 3 facilities, or 1,500 hours, for a net reduction of 612 hours annually).

For a new LNG import/export facility, the proposed rule would require that it provide information to the Coast Guard at the time the WSA is submitted on the nation of registry for, and the nationality or citizenship of officers and crew serving on board, vessels transporting natural gas that are reasonably anticipated to be servicing that facility. The Coast Guard does not expect specific details regarding vessels and their crew would be known at the time the LOI and WSA are submitted to the Coast Guard several years before the facility begins operations. The Paperwork Reduction Act would not apply to this requirement as the Coast Guard anticipates only two new LNG import/export facilities per year would be subject to this requirement.[29]

As required by 44 U.S.C. 3507(d), we will submit a copy of this proposed rule to OMB for its review of the collection of information.

We ask for public comment on the proposed revised collection of information to help us determine, among other things—

- How useful the information is;
- Whether the information can help us perform our functions better;
- How we can improve the quality, usefulness, and clarity of the information;
- Whether the information is readily available elsewhere;
- How accurate our estimate is of the burden of collection;
- How valid our methods are for determining the burden of collection; and
- How we can minimize the burden of collection.

If you submit comments on the collection of information, submit them by the date listed in the **DATES** section of this preamble to both the OMB and to the docket where indicated under **ADDRESSES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the Coast Guard could enforce the collection of information requirements in this proposed rule, OMB would need to approve the Coast Guard's request to collect this information.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

The proposed rule, with respect to the LOI, WSA, and ORA submission requirements and COTP approval (§§ 127.007, 127.008, 127.009, 127.015, and 127.017), does not conflict with State interests. They are procedural requirements for the Coast Guard's own safety and security risk analysis, approval, and appeal process of a new, modified, or reactivated facility and its attendant LNG transfer operations. As it relates to other requirements imposed by individual States, or their political subdivisions, the submission and approval process for the construction of a new structure would be unaffected by this rule.

Moreover, with respect to LNG transfer operations that may be included in the LOI, WSA, and ORA submissions, pursuant to 46 U.S.C. 70011(b)(1), Congress has expressly authorized the establishment of ''procedures, measures and standards for the handling, loading, unloading, storage, stowage and movement on a structure of explosives or other dangerous articles and substances, including oil or hazardous material.'' The Coast Guard affirmatively preempts any State rules related to these procedures, measures, and standards (*See United States* v. *Locke,* 529 U.S. 89, 109–110 (2000)). Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Regarding the updates of technical standards referenced in 33 CFR part 127, it is Congress's express intent that, with respect to waterfront structures, States retain the power to regulate to higher standards than those promulgated by the Coast Guard. As stated in 46 U.S.C. 70011(c), ''State Law.—Nothing in this section, with respect to structures, prohibits a State or political subdivision thereof from prescribing higher safety equipment or safety standards than those that may be prescribed by regulations under this section.'' Thus, Congress has made clear that the federal standards promulgated under this section establish the uniform minimum standards of the United States, but individual States are entitled to impose higher safety equipment requirements or higher safety standards for structures within their jurisdiction.

The Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

[29] The Paperwork Reduction Act applies to collections of information using identical questions posed to, or reporting or recordkeeping requirements imposed on, ten or more persons per year. See 5 CFR 1320.3(c), and Office of Management and Budget *Memorandum for the Heads of Executive Departments and Agencies and Independent Regulatory Agencies, dated April 7, 2010, at p. 2.*

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards and Incorporation by Reference

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule incorporates by reference the following new voluntary consensus standards, which are listed and summarized below:

- ISO/TS 18683:2015(E), Guidelines for Systems and Installations for Supply of LNG as Fuel to Ships, First Edition, 15 January 2015. This standard gives guidance on the minimum requirements for the design and operation of the LNG bunkering (fueling) facility, including the interface between the LNG supply facilities and receiving ships.
- ISO/TS 28460:2010(E), Petroleum and Natural Gas Industries—Installation and Equipment for Liquefied Natural Gas—Ship-to-Shore Interface and Port Operations, First Edition, 15 December 2010. This standard specifies the requirements for ship, terminal, and port service providers to ensure the safe transit of an LNG carrier through the port area and the safe and efficient transfer of its cargo.

This proposed rule also incorporates the following new technical standard other than a voluntary consensus standard.

- DNV GL, Recommended Practice, DNVGL–RP–G105, Development and Operation of Liquefied Natural Gas Bunkering Facilities, October 2015 Edition. This standard provides guidance to the industry on the developmental, organizational, technical, functional, and operational issues of LNG bunkering (fueling) facilities in order to ensure global compatibility and secure a high level of safety, integrity, and reliability.

This technical standard was selected because it aligns with ISO/TS 18683:2015(E). Both DNVGL–RP–G105 and ISO/TS 18683:2015(E) provide guidance to industry on conducting risk assessments that are focused on providing LNG as a marine fuel (bunkering operations).

This proposed rule incorporates by reference the following updated voluntary consensus standards, which are listed and summarized below:

- API Recommended Practice 2003, Protection Against Ignitions Arising Out of Static, Lightning and Stray Currents, Eighth Edition, September 2015. This standard presents the current state of knowledge and technology in the fields of static electricity and stray currents applicable to the prevention of hydrocarbon ignition in the petroleum industry, which is based on both scientific research and practical experience.
- ASME B16.5–2017, Pipe Flanges and Flanged Fittings, NPS ½ through NPS 24 Metric/Inch Standard, November 20, 2017. This standard covers pressure-temperature ratings, materials, dimensions, tolerances, marking, testing, and methods of designating openings for pipe flanges and flanged fittings.
- ASME B31.3–2018, Process Piping, ASME Code for Pressure Piping, B31, August 30, 2019. This standard contains requirements for piping typically found in petroleum refineries; chemical, pharmaceutical, textile, paper, semiconductor, and cryogenic plants; and related processing plants and terminals. It covers materials and components, design, fabrication, assembly, erection, examination, inspection, and testing of piping.
- ASTM F 1121–87 (Reapproved 2015), Standard Specification for International Shore Connections for Marine Fire Applications, approved May 1, 2015. This standard covers the specifications for the design and manufacture of international shore connections to be used with marine firefighting systems during an emergency when a stricken ship has a system failure.
- IEC 60079–29–1, Edition 2.0, Explosive Atmospheres—Part 29–1: Gas Detectors—Performance Requirements of Detectors for Flammable Gases, July 2016. This standard specifies general requirements for construction, testing, and performance, and describes the test methods that apply to portable, transportable, and fixed apparatus for the detection and measurement of flammable gas or vapor concentrations with air.
- NFPA 10, Standard for Portable Fire Extinguishers, 2018 Edition, effective April 21, 2017. This standard applies to the selection, installation, inspection, maintenance, recharging, and testing of portable extinguishing equipment and Class D extinguishing agents.
- NFPA 30, Flammable and Combustible Liquids Code, 2018 Edition, effective September 6, 2017. This standard applies to the storage, handling, and use of flammable and combustible liquids, including waste liquids.
- NFPA 51B, Standard for Fire Prevention During Welding, Cutting, and Other Hot Work, 2019 Edition, effective July 15, 2019. This standard covers provisions to prevent injury, loss of life, and loss of property from fire or explosion as a result of hot work.
- NFPA 59A, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG), 2019 Edition, effective November 25, 2018. This standard provides minimum fire protection, safety, and related requirements for the location, design, construction, security, operation, and maintenance of LNG plants.
- NFPA 70, National Electrical Code, 2017 Edition, effective August 24, 2016. The provisions of this standard apply to the design, modification, construction,

inspection, maintenance, and testing of electrical systems, installations, and equipment.

• NFPA 251, Standard Methods of Tests of Fire Resistance of Building Construction and Materials, 2006 Edition, effective August 18, 2005. This standard provides methods of fire tests applicable to assemblies of masonry units and to composite assemblies of structural materials for buildings, including bearing and other walls, partitions, columns, girders, beams, slabs, and composite slab and beam assemblies for floors and roofs. This standard also applies to other assemblies and structural units that constitute permanent integral parts of a finished building.

The proposed section that references these standards and the locations where these standards are available is listed in § 127.003. If you disagree with our analysis of these standards or are aware of voluntary consensus standards that might apply but are not listed, please send a comment explaining your disagreement or identifying additional standards to the docket using one of the methods listed in the **ADDRESSES** section of this preamble.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This proposed rule would be categorically excluded under paragraphs A3 and L54 in Appendix A, of Table 1 of DHS Directive Instruction Manual 023–01, Rev. 1.[30] Paragraph A3 pertains to promulgation of rules and other guidance documents that interpret or amend existing regulations without changing its environmental effect. Paragraph L54 pertains to regulations that are editorial or procedural. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 127

Fire prevention, Harbors, Hazardous substances, Incorporation by reference, Natural gas, Reporting and recordkeeping requirements, Security measures.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 127 as follows:

■ 1. The authority citation for part 127 is revised to read as follows:

Authority: 46 U.S.C. 70011 and 70034; 46 U.S.C. Chapter 701; Department of Homeland Security Delegation No. 0170.1. Pub. L. 109–241, sec. 304(c)(2).

■ 2. Amend § 127.001 as follows:
■ a. In paragraph (a), remove the word ''existing'';
■ b. Revise paragraph (c); and
■ c. Add paragraph (f).

The revision and addition reads as follows:

§ 127.001 Applicability.

* * * * *

(c) Sections 127.007(b), (c), and (d), and 127.019(b) of subpart A of this part apply to the marine transfer area for LNG of each inactive facility.

* * * * *

(f) Waterfront facilities handling LNG and LHG constructed, expanded, or modified under a contract awarded after November 4, 2020 are required to comply with the applicable standards referenced in § 127.003. All other facilities, unless expanded or modified in accordance with this part, are required to meet previously applicable standards but may request to apply a later edition of the standards in accordance with § 127.017.

■ 3. Revise § 127.003 to read as follows:

§ 127.003 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Operating and Environmental Standards (CG–OES), 2703 Martin Luther King Jr. Avenue SE, STOP 7509, Washington, DC 20593–7509, 202–372–1410, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.* See § 127.017 for alternative compliance methods.

(a) API, 200 Massachusetts Avenue NW, Suite 1100, Washington, DC 20001–5571, 202–682–8000, *http://www.api.org.*

(1) API Recommended Practice 2003, Protection Against Ignitions Arising Out of Static, Lightning and Stray Currents, Eighth Edition, September 2015, (''API RP 2003''), IBR approved for § 127.1101(h).

(2) [Reserved]

(b) ASME, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, *https://www.asme.org.*

(1) ASME B16.5–2017, Pipe Flanges and Flanged Fittings, NPS ½ Through NPS 24 Metric/Inch Standard, November 20, 2017, IBR approved for § 127.1102(a).

(2) ASME B31.3–2018, Process Piping, ASME Code for Pressure Piping, B31, August 30, 2019, IBR approved for § 127.1101(a).

(c) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959, 610–832–9500, *https://www.astm.org.*

(1) ASTM F 1121–87 (Reapproved 2015), Standard Specification for International Shore Connections for Marine Fire Applications, approved May 1, 2015, IBR approved for §§ 127.611 and 127.1511.

(2) [Reserved]

(d) DNV GL, Veritasveien 1, 1363 Hovik, Norway, +47 6757 9900, *https://www.dnvgl.com.*

(1) DNV GL, Recommended Practice, DNVGL–RP–G105, Development and Operation of Liquefied Natural Gas Bunkering Facilities, October 2015 Edition, IBR approved for § 127.008(d).

(2) [Reserved]

(e) IEC International Electrotechnical Commission, 3 rue de Varembe, 1st floor, P.O. Box 131, CH 1211, Switzerland, +41 22 919 02 11, *https://www.iec.ch.*

(1) IEC 60079–29–1, Edition 2.0, Explosive Atmospheres—Part 29–1: Gas Detectors—Performance Requirements of Detectors for Flammable Gases, July 2016, IBR approved for § 127.1203(a).

(2) [Reserved]

(f) ISO-International Organization for Standardization, BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland, +41 22 749 01 11, *https://www.iso.org.*

(1) ISO/TS 18683:2015(E), Guidelines for Systems and Installations for Supply of LNG as Fuel to Ships, First Edition,

[30] *https://www.dhs.gov/sites/default/files/publications/DHS_Instruction%20Manual%20023-01-001-01%20Rev%2001_508%20Admin%20Rev.pdf.*

15 January 2015, (''ISO 18683''), IBR approved for § 127.008(d).

(2) ISO/TS 28460:2010(E), Petroleum and Natural Gas Industries—Installation and Equipment for Liquefied Natural Gas—Ship-to-Shore Interface and Port Operations, First Edition, 15 December 2010, (''ISO 28460''), IBR approved for § 127.008(e).

(g) NFPA, 1 Batterymarch Park, Quincy, MA 02169–7471, 800–344–3555, *https://www.nfpa.org.*

(1) NFPA 10, Standard for Portable Fire Extinguishers, 2018 Edition, effective April 21, 2017, IBR approved for §§ 127.603(a) and 127.1503.

(2) NFPA 30, Flammable and Combustible Liquids Code, 2018 Edition, effective September 6, 2017, IBR approved for §§ 127.313(b) and 127.1313(b).

(3) NFPA 51B, Standard for Fire Prevention During Welding, Cutting, and Other Hot Work, 2019 Edition, effective July 15, 2019, IBR approved for §§ 127.405(b) and 127.1405(b).

(4) NFPA 59A, Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG), 2019 Edition, effective November 25, 2018, IBR approved for §§ 127.008(d), 127.101 introductory text, and (a) through (g), 127.201(b) and (c), 127.405(a) and (b), and 127.603(a).

(5) NFPA 70, National Electrical Code, 2017 Edition, effective August 24, 2016, IBR approved for §§ 127.107(a) and (c), 127.201(c), and 127.1107.

(6) NFPA 251, Standard Methods for Tests of Fire Resistance of Building Construction and Materials, 2006 Edition, effective August 18, 2005, IBR approved for § 127.005.

■ 3. In § 127.005, revise the definitions of ''Facility'' and ''Fire endurance rating'' and add a definition for ''LNG fuel facility'' to read as follows:

§ 127.005 Definitions.

* * * * *

Facility means either a waterfront facility handling LHG or a waterfront facility handling LNG, and includes LNG fuel facilities.

Fire endurance rating means the duration for which an assembly or structural unit will contain a fire or retain structural integrity when exposed to the temperatures specified in the standard time-temperature curve in NFPA 251 (incorporated by reference, see § 127.003).

* * * * *

LNG fuel facility means a waterfront facility that handles LNG for the sole purpose of providing LNG from shore-based structures to vessels for use as a marine fuel, and that does not transfer LNG to or receive LNG from vessels capable of carrying LNG in bulk as cargo.

* * * * *

■ 4. Amend § 127.007 as follows:

■ a. Revise the section heading, and paragraphs (a), (b), and (e);

■ b. Redesignate paragraph (h) as paragraph (i);

■ c. Redesignate paragraph (g) as paragraph (h);

■ d. Add paragraphs (g) and (j).

The revisions and additions read as follows:

§ 127.007 Letter of intent and waterway suitability assessment for waterfront facilities handling LNG or LHG.

(a) An owner or operator intending to build a new facility handling LNG or LHG, or an owner or operator planning new construction to expand marine terminal operations in any facility handling LNG or LHG, where the construction or expansion would result in an increase in the size and/or frequency of LNG or LHG marine traffic on the waterway associated with a facility, must submit a Letter of Intent (LOI) to the Captain of the Port (COTP) of the zone in which the facility is or will be located. The LOI must meet the requirements in paragraph (c) of this section.

(b) An owner or operator intending to reactivate an inactive facility must submit an LOI that meets paragraph (c) of this section to the COTP of the zone in which the facility is located.

* * * * *

(e) An owner or operator intending to build a new LNG or LHG facility, or an owner or operator planning new construction to expand marine terminal operations in any facility handling LNG or LHG, where the construction or expansion would result in an increase in the size and/or frequency of LNG or LHG marine traffic on the waterway associated with a facility, must file or update as appropriate a waterway suitability assessment (WSA) with the COTP of the zone in which the facility is or will be located. The WSA must consist of a Preliminary WSA and a Follow-on WSA. A COTP may request additional information during review of the Preliminary WSA or Follow-on WSA.

* * * * *

(g) An owner or operator intending to build a new LNG facility must submit the preliminary WSA no later than the date that the owner or operator files a pre-filing request with FERC under 18 CFR parts 153 or 157. The LOI must include the nation of registry for, and the nationality or citizenship of the officers and crew serving on board, vessels transporting LNG that are reasonably anticipated to be servicing the LNG facility.

* * * * *

(j) An owner or operator intending to construct a new LNG fuel facility or modify any LNG fuel facility, or reactivate an inactive LNG fuel facility may comply with § 127.008 in lieu of meeting the requirements in this section.

■ 5. Add § 127.008 to read as follows:

§ 127.008 Letter of intent and operational risk assessment for LNG fuel facilities.

(a) An owner or operator intending to build a new LNG fuel facility, modify construction of any LNG fuel facility, or reactivate an inactive LNG fuel facility electing to complete an operational risk assessment in lieu of a WSA as outlined in § 127.007, must submit a Letter of Intent (LOI) and an operational risk assessment to the Captain of the Port (COTP) of the zone in which the LNG fuel facility is or will be located at least 1 year prior to the start of LNG transfer operations.

(b) Each LOI must contain the information in § 127.007(c)(1) through (5).

(c) The owner or operator who submits an LOI under paragraph (a) of this section must notify the COTP in writing within 15 days of any of the following:

(1) There is any change in the information submitted under paragraph (b) of this section; or

(2) No LNG fuel transfer operations are scheduled within the next 12 months.

(d) The operational risk assessment required by paragraph (a) must:

(1) Be carried out in accordance with Chapter 7 of ISO 18683:2015(E) and Appendix D of DNVGL–RP–G105; or Chapter 19 of NFPA 59A (all incorporated by reference, see § 127.003); or other industry developed risk assessment method acceptable to the Office of Operating and Environmental Standards, Commandant (CG–OES); and

(2) Consider possible factors affecting the ship/shore interface and port operations described in Section 6 of ISO 28460:2010(E) (incorporated by reference, see § 127.003).

■ 6. Amend § 127.009 by revising paragraphs (a) introductory text and (a)(1) to read as follows:

§ 127.009 Letter of recommendation.

(a) After the COTP receives the information and analyses required by § 127.007 or § 127.008, the COTP issues a Letter of Recommendation (LOR) as to the suitability of the waterway for LNG

or LHG marine traffic or the operational safety and security of the LNG fuel facility to the Federal, State, or local government agencies having jurisdiction for siting, construction, and operation, and, at the same time, sends a copy to the owner or operator, based on the—

(1) Information submitted under §§ 127.007 or 127.008;

* * * * *

§ 127.011 [Amended]

■ 7. Amend § 127.011 by removing the word ''shall'' and adding, in its place, the word ''must''.

■ 8. In § 127.015, revise paragraphs (c)(1) and (d) to read as follows:

§ 127.015 Appeals.

* * * * *

(c) * * *

(1) Appeal that ruling in writing to the Assistant Commandant for Prevention Policy, U.S. Coast Guard, (CG–5P), 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509; and

* * * * *

(d) The Assistant Commandant for Prevention Policy issues a ruling after reviewing the appeal submitted under paragraph (c) of this section, which is final agency action.

* * * * *

■ 9. In § 127.017, revise the introductory text of paragraph (a) to read as follows:

§ 127.017 Alternatives.

(a) The COTP may allow alternative procedures, methods, or equipment standards, including alternatives to standards listed in § 127.003, to be used by an operator instead of any requirements in this part if—

* * * * *

§ 127.019 [Amended]

■ 10. Amend § 127.019 as follows:

■ a. In paragraphs (a) and (b), remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''; and

■ b. In paragraph (b), remove the word ''existing''.

■ 11. Revise § 127.101 to read as follows:

§ 127.101 Design and construction: General.

The marine transfer area for LNG must meet the following criteria in NFPA 59A (incorporated by reference, see § 127.003):

(a) Chapter 5, Section 5.3.1.7;

(b) Chapter 6, Section 6.7;

(c) Chapter 10;

(d) Chapter 11, except Sections 11.9, and 11.10;

(e) Chapter 12;

(f) Chapter 15, except Sections 15.4 and 15.6; and

(g) Annex B.

■ 12. Amend § 127.107 by revising paragraphs (a) and (c) to read as follows:

§ 127.107 Electrical power systems.

(a) The electrical power system must have a power source and a separate emergency power source, so that failure of one source does not affect the capability of the other source. The system must meet NFPA 70 (incorporated by reference, see § 127.003).

* * * * *

(c) If an auxiliary generator is used as an emergency power source, it must meet Section 700.12 (incorporated by reference, see § 127.003).

■ 13. In § 127.201, revise paragraphs (b)(2), (c)(1) and (2) to read as follows:

§ 127.201 Sensing and alarm systems.

* * * * *

(b) * * *

(2) Meet section 16.4 of NFPA 59A (incorporated by reference, see § 127.003).

(c) * * *

(1) Be in each enclosed or covered Class I, Division 1, hazardous location defined in section 500.5(B)(1) of NFPA 70 (incorporated by reference, see § 127.003) and each area in which flammable or combustible material is stored; and

(2) Meet section 16.4 of NFPA 59A (incorporated by reference, see § 127.003).

§ 127.301 [Amended]

■ 14. In § 127.301(b), remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.309 [Amended]

■ 15. In § 127.309, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.311 [Amended]

■ 16. In § 127.311(a), remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.313 [Amended]

■ 17. Amend § 127.313 as follows:

■ a. In paragraph (a), remove the word ''shall'' and add, in its place, the word ''must''; and

■ b. In paragraph (b), remove ''Chapter 4 of'' and add ''(incorporated by reference, see § 127.003)'' after ''NFPA 30''.

§ 127.315 [Amended]

■ 18. In § 127.315, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.317 [Amended]

■ 19. In § 127.317, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.319 [Amended]

■ 20. In § 127.319, remove the word ''shall'' wherever it appears and add, in its place, the word ''must''.

§ 127.321 [Amended]

■ 21. In § 127.321, remove the word ''shall'' wherever it appears and add, in its place, the word ''must''.

§ 127.401 [Amended]

■ 22. In § 127.401, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.403 [Amended]

■ 23. In § 127.403, remove the word ''shall'' and add, in its place, the word ''must''.

■ 24. In § 127.405, revise the introductory text and paragraphs (a)(1) and (b) to read as follows:

§ 127.405 Repairs.

The operator must ensure that—

(a) * * *

(1) The equipment continues to meet the applicable requirements in this subpart and in NFPA 59A (incorporated by reference, see § 127.003); and

* * * * *

(b) Welding is done in accordance with NFPA 51B and Section 10.4.3 of NFPA 59A (both incorporated by reference, see § 127.003).

§ 127.407 [Amended]

■ 25. In § 127.407 (a), remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.409 [Amended]

■ 26. In § 127.409(a), remove the word ''shall'' and add, in its place, the word ''must''.

■ 27. In § 127.603, revise paragraph (a) to read as follows:

§ 127.603 Portable fire extinguishers.

* * * * *

(a) Portable fire extinguishers that meet section 16.6.1 of NFPA 59A and Chapter 6 of NFPA 10 (both incorporated by reference, see § 127.003); and

* * * * *

§ 127.611 [Amended]

■ 28. In § 127.611, remove ''ASTM F 1121'' and add, in its place, the text ''ASTM F 1121–87''.

§ 127.613 [Amended]

■ 29. In § 127.613, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.615 [Amended]

■ 30. In § 127.615, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.617 [Amended]

■ 31. In § 127.617, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.701 [Amended]

■ 32. Remove the undesignated center heading ''Security'' that precedes § 127.701.

§ 127.701 [Removed]

■ 33. Remove § 127.701.

§ 127.703 [Removed]

■ 34. Remove § 127.703.

§ 127.705 [Removed]

■ 35. Remove § 127.705.

§ 127.707 [Removed]

■ 36. Remove § 127.707.

§ 127.709 [Removed]

■ 37. Remove § 127.709.

§ 127.711 [Removed]

■ 38. Remove § 127.711.

§ 127.1101 [Amended]

■ 39. Amend § 127.1101 as follows:

■ a. In paragraph (a), remove ''ASME B31.3'' and add, in its place, the text ''ASME B31.3–2018 (incorporated by reference, see § 127.003)''; and

■ b. In paragraph (h), add ''(incorporated by reference, see § 127.003)'' after ''API RP 2003''.

§ 127.1102 [Amended]

■ 40. In § 127.1102(a)(4)(ii), remove ''ANSI B16.5'' and add, in its place, ''ASME B16.5–2017 (incorporated by reference, see § 127.003)''.

§ 127.1103 [Amended]

■ 41. In § 127.1103, remove the word ''existing'' wherever it appears.

§ 127.1105 [Amended]

■ 42. In § 127.1105, remove the word ''existing.''

§ 127.1107 [Amended]

■ 43. In § 127.1107, add ''(incorporated by reference, see § 127.003)'' after ''NFPA 70''.

§ 127.1203 [Amended]

■ 44. In § 127.1203(a), remove ''ANSI S12.13, Part I'' and add, in its place, ''IEC 60079–29–1 (incorporated by reference, see § 127.003)''.

§ 127.1207 [Amended]

■ 45. In § 127.1207(c), remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1301 [Amended]

■ 46. In § 127.1301(b), remove the word ''shall'' wherever it appears and add, in its place, the word ''must''.

§ 127.1302 [Amended]

■ 47. In § 127.1302, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.1309 [Amended]

■ 48. In § 127.1309, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1311 [Amended]

■ 49. In § 127.1311, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1313 [Amended]

■ 50. Amend § 127.1313 as follows:

■ a. In paragraph (a), remove the word ''shall'' and add, in its place, the word ''must''; and

■ b. In paragraph (b), remove ''Chapter 4 of'' and add ''(incorporated by reference, see § 127.003)'' after ''NFPA 30''.

§ 127.1315 [Amended]

■ 51. In § 127.1315 remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1317 [Amended]

■ 52. In § 127.1317, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.1319 [Amended]

■ 53. In § 127.1319, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.1321 [Amended]

■ 54. In § 127.1321, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.1325 [Amended]

■ 55. In § 127.1325, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1401 [Amended]

■ 56. Remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1403 [Amended]

■ 57. In § 127.1403, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.1405 [Amended]

■ 58. Amend § 127.1405 as follows:

■ a. In the introductory paragraph, remove the word ''shall'' and add, in its place, the word ''must'';

■ b. In paragraph (a)(1), remove the word ''and''; and

■ c. In paragraph (b), add ''(incorporated by reference, see § 127.003)'' after the text ''NFPA 51B''.

§ 127.1407 [Amended]

■ 59. In § 127.1407, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.1409 [Amended]

■ 60. In § 127.1409, remove the word ''shall'' wherever it appears, and add, in its place, the word ''must''.

§ 127.1501 [Amended]

■ 61. In § 127.1501 (a), remove the word ''existing.''

§ 127.1503 [Amended]

■ 62. In § 127.1503, add ''(incorporated by reference, see § 127.003)'' after ''NFPA 10''.

§ 127.1511 [Amended]

■ 63. In § 127.1511, remove ''ASTM F 1121'' and add, in its place, ''ASTM F 1121–87''.

§ 127.1601 [Amended]

■ 64. In § 127.1601, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1603 [Amended]

■ 65. In § 127.1603, remove the word ''shall'' and add, in its place, the word ''must''.

§ 127.1605 [Amended]

■ 66. In § 127.1605, remove the word ''shall'' and add, in its place, the word ''must''.

Dated: September 18, 2020.

R. V. Timme,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2020–21071 Filed 10–2–20; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2016–0001; FRL–10014–83–Region 10]

Air Plan Approval; ID; 2010 Sulfur Dioxide NAAQS Infrastructure Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) submission from the State of Idaho (Idaho or the State) that addresses the

Clean Air Act (CAA or Act) interstate transport requirements for the 2010 1-hour Sulfur Dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). In this action, the EPA is proposing to determine that Idaho will not contribute significantly to nonattainment or interfere with maintenance of the 2010 1-hour SO_2 NAAQS in any other state or the Fort Hall Reservation. Therefore, the EPA is proposing to approve Idaho's December 24, 2015, SIP submission as meeting the interstate transport requirements for the 2010 1-hour SO_2 NAAQS.

DATES: Written comments must be received on or before November 4, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2016–0001 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not electronically submit any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Claudia Vaupel at (206) 553–6121, or *vaupel.claudia@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

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I. Background

On June 2, 2010, the EPA established a new primary 1-hour SO_2 NAAQS of 75 parts per billion (ppb), based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations.[1] The CAA requires states to submit, within 3 years after promulgation of a new or revised NAAQS, SIPs meeting the applicable ''infrastructure'' elements of sections 110(a)(1) and (2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain ''good neighbor'' provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution.

CAA section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in CAA section 110(a)(2)(D)(i)(I), require SIPs to contain adequate provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in CAA section 110(a)(2)(D)(i)(II), require SIPs to contain adequate provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4).

In this action, the EPA is proposing to approve the prong 1 and prong 2 portions of the State of Idaho's December 24, 2015 SIP submission because, based on the information available at the time of this rulemaking, the State demonstrated that Idaho will not contribute significantly to nonattainment or interfere with maintenance of the 2010 SO_2 NAAQS in any other state or the Fort Hall Reservation. All other applicable infrastructure SIP requirements for this SIP submission have been addressed in separate actions. See 79 FR 46707 (August 11, 2014).

II. Relevant Factors To Evaluate 2010 SO_2 Interstate Transport SIPs

Although SO_2 is emitted from a similar universe of point and nonpoint sources, interstate transport of SO_2 is unlike the transport of fine particulate matter ($PM_{2.5}$) or ozone, in that SO_2 is not a regional pollutant and does not commonly contribute to widespread nonattainment over a large (and often multi-state) area. The transport of SO_2 is more analogous to the transport of lead (Pb) because its physical properties result in localized pollutant impacts very near the emissions source. However, ambient concentrations of SO_2 do not decrease as quickly with distance from the source as Pb because of the physical properties and typical release heights of SO_2. Emissions of SO_2 travel farther and have wider ranging impacts than emissions of Pb but do not travel far enough to be treated in a manner similar to ozone or $PM_{2.5}$. The approaches that the EPA has adopted for ozone or $PM_{2.5}$ transport are too regionally focused and the approach for Pb transport is too tightly circumscribed to the source to serve as a model for SO_2 transport. SO_2 transport is therefore a unique case and requires a different approach.

In this proposed rulemaking, as in prior SO_2 transport analyses, the EPA focuses on a 50 km-wide zone because the physical properties of SO_2 result in relatively localized pollutant impacts near an emissions source that drop off with distance. Given the physical properties of SO_2, the EPA selected the ''urban scale''—a spatial scale with dimensions from 4 to 50 kilometers (km) from point sources—given the usefulness of that range in assessing trends in both area-wide air quality and the effectiveness of large-scale pollution control strategies at such point sources.[2] As such, the EPA utilized an assessment up to 50 km from point sources in order to assess trends in area-wide air quality that might impact downwind states.

As discussed in section III of this this document, the EPA reviewed Idaho's analysis to assess how it evaluated SO_2 transport to other states, the types of information used in the analysis and the conclusions drawn. The EPA then conducted a weight of evidence analysis, reviewing the submission and other available information, including air quality monitor data, emission sources and emission trends within Idaho and in bordering states to which it could potentially contribute or interfere with attainment or maintenance of the 2010 SO_2 NAAQS.[3]

[1] 75 FR 35520 (June 22, 2010).

[2] For the definition of spatial scales for SO_2, see 40 CFR part 58, appendix D, section 4.4 (''Sulfur Dioxide (SO_2) Design Criteria''). For further discussion on how the EPA is applying these definitions with respect to interstate transport of SO_2, see the EPA's proposal on Connecticut's SO_2 transport SIP. 82 FR 21351, 21352, 21354 (May 8, 2017).

[3] This proposed approval action is based on the information contained in the administrative record

III. State Submission and EPA Analysis

On December 24, 2015, Idaho submitted a SIP revision to the EPA documenting that its SIP contains provisions that address CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2010 SO_2 NAAQS. In this section, we provide an overview of Idaho's 2010 SO_2 interstate transport analysis, as well as the EPA's evaluation of prongs 1 and 2.

A. State Submission

Idaho conducted a weight of evidence analysis to examine whether SO_2 emissions from Idaho will adversely affect attainment or maintenance of the 2010 SO_2 NAAQS in downwind states. In the submission, Idaho identified one 2010 SO_2 nonattainment area in Billings, Montana, within Yellowstone County, which has since been redesignated to attainment.[4] Idaho reviewed 2014 SO_2 emissions data from the largest SO_2 emissions sources in the State and determined that emissions from those sources were hundreds of miles from the SO_2 nonattainment/maintenance areas. Idaho also reviewed 2012–2014 monitoring data from the 3 SO_2 monitoring sites in its monitoring network and from the 14 SO_2 monitoring sites in neighboring states for years 2011–2013. Idaho determined that all design values were below the 2010 SO_2 NAAQS.[5] In addition, Idaho provided 2009–2011 regional-scale modeling for the State and found that areas of increased SO_2 concentrations were localized in nature.

Based on the weight of evidence analysis, Idaho concluded that emissions within the State will not contribute significantly to nonattainment or interfere with maintenance of the 2010 1-hour SO_2 NAAQS in any other state.

B. EPA Analysis

The EPA proposes to find that Idaho's SIP meets the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I), prong 1 for the 2010 SO_2 NAAQS. We have analyzed the air quality, emission sources and emission trends in Idaho and neighboring states, *i.e.,* Montana, Nevada, Oregon, Utah, Washington, Wyoming, and the Fort Hall Reservation. Based on our analysis, we propose to find that Idaho will not contribute significantly to nonattainment of the 2010 SO_2 NAAQS in any other state or the Fort Hall Reservation.

1. The EPA's Prong 1 Evaluation

The EPA reviewed SO_2 emission data from 2005 to 2017 for Idaho and the six neighboring states.[6] As shown in Table 1 of this document, SO_2 emissions from Idaho and neighboring states have decreased substantially over time, ranging from 37 to 89 percent. Specifically, over this 13-year period, Idaho's statewide SO_2 emissions decreased by 72 percent.

TABLE 1—SO_2 EMISSION TRENDS IN IDAHO AND NEIGHBORING STATES

[In tons per year]

State	2005	2008	2011	2014	2017	SO_2 reduction, 2005–2017 (%)
Idaho	35,452	20,149	13,791	10,062	10,007	72
Montana	42,085	29,354	29,452	25,046	18,580	56
Nevada	72,474	20,951	13,578	16,178	7,793	89
Oregon	37,204	25,671	30,285	23,606	19,325	48
Utah	52,999	31,609	27,839	26,964	15,442	71
Washington	59,651	34,826	30,492	38,973	37,488	37
Wyoming	122,454	112,791	83,256.1	56,772	52,354	57

We also reviewed the most recent certified air quality data available for 1-hour SO_2 design value concentrations at monitors in Idaho and neighboring states. In Table 2 of this document, we have included the most recent 2017–2019 design values for (1) all monitors in Idaho; (2) the monitor with the highest design value in each neighboring state; and (3) the monitor in each neighboring state located closest to the Idaho border. The EPA notes that no neighboring state has an SO_2 monitor within 50 km of the Idaho border. To assess how air quality has changed over time, we also reviewed 2014–2016, 2015–2017, and 2016–2018 SO_2 design values for these monitors, as shown in Table 2.

TABLE 2—SO_2 DESIGN VALUES[7] IN ppb FOR AQS MONITORS IN IDAHO AND NEIGHBORING STATES

State/area	AQS site ID	Distance to nearest Idaho border (km) *	Design value			
			2014–2016	2015–2017	2016–2018	2017–2019
Idaho/Boise	160010010	55	4	3	3	3
Idaho/Pocatello	160050004	102	39	38	38	40
Idaho/Caribou County	160290031	45	26	30	31	35
Montana/Helena	300490004	180	2	3	5	5

for this action and does not prejudge any other future EPA action that may make other determinations regarding any of the subject state's air quality status. Any such future actions, such as area designations under any NAAQS, will be based on their own administrative records and the EPA's analyses of information that becomes available at those times. Future available information may include, and is not limited to, monitoring data and modeling analyses conducted pursuant to the Data Requirements Rule for the 2010 1-Hour SO_2 NAAQS (80 FR 51052, August 21, 2015) and information submitted to the EPA by states, air agencies, and third party stakeholders such as citizen groups and industry representatives.

[4] The Billings, Montana 2010 SO_2 nonattainment area was redesignated to attainment on May 10, 2016 following the state's SIP submission (81 FR 28718).

[5] The design value is the annual 99th percentile of the daily maximum 1-hour concentration values, averaged over three consecutive years. (See 75 FR 35520, June 22, 2010).

[6] We derived the emissions trends information from the EPA's web page *https://www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data.*

TABLE 2—SO_2 DESIGN VALUES[7] IN ppb FOR AQS MONITORS IN IDAHO AND NEIGHBORING STATES—Continued

State/area	AQS site ID	Distance to nearest Idaho border (km) *	Design value			
			2014–2016	2015–2017	2016–2018	2017–2019
Montana/Billings	301110066	256	53	33	24	24
Nevada/Las Vegas	320030540	644	7	6	6	5
Nevada/Reno	320310016	362	5	5	5	4
Oregon/Portland	410510080	447	3	3	3	3
Washington/Anacortes	530570011	412	5	4	3	3
Wyoming/Casper	560252601	393	25	20	19	19
Wyoming/Rock Springs	560370300	108	21	21	20	12

* All distances throughout this notice are approximations.

We reviewed ambient air quality data in Idaho and neighboring states to see whether there were any monitoring sites, particularly near the Idaho border, with elevated SO_2 concentrations that might warrant further investigation with respect to interstate transport of SO_2 from emission sources near any given monitor. As shown in Table 2 of this document, there are no monitors with violating design values in Idaho or neighboring states. Additionally, the highest monitored 2017–2019 design value in Idaho or neighboring states is 40 ppb, or approximately 54 percent of the level of the 2010 SO_2 NAAQS.

As discussed previously, Idaho analyzed potential impacts to the Billings, Montana area, which was still designated nonattainment at the time of Idaho's submission. The EPA redesignated the former Billings 2010 SO_2 nonattainment area to attainment following the permanent closure of the PPL Corette Plant. See 81 FR 28718 (May 10, 2016). As noted by Idaho, the Billings, Montana area is located far from the nearest Idaho border (256 km). Table 2 of this document also shows that recent monitoring data in the Billings area do not approach the level of the 2010 SO_2 NAAQS. For these reasons, the EPA agrees with Idaho's conclusion that the emissions from Idaho will not contribute significantly to nonattainment in the Billings, Montana area.

The data presented in Table 2 of this document show that 2017–2019 1-hour SO_2 design values in Idaho are between 4 and 54 percent of the 75-ppb level of the NAAQS. The Caribou County SO_2 monitor (AQS Site ID 160290031) is the only Idaho SO_2 monitor that is located within 50 km of a state border—the Idaho-Wyoming border. The 2017–2019 design value at the Caribou County SO_2 monitor is 35 ppb or 47% of the NAAQS. However, these air quality data do not, by themselves, indicate any particular location that would warrant further investigation with respect to SO_2 emission sources in Idaho that might contribute significantly to nonattainment in the bordering states. Because the monitoring network is not necessarily designed to find all locations of high SO_2 concentrations, this observation indicates an absence of evidence of impact at these locations but is not sufficient evidence by itself of an absence of impact at all locations in the neighboring states. We have therefore also conducted a source-oriented analysis.

As noted, the EPA finds that it is appropriate to examine the impacts of emissions from stationary sources in Idaho in distances ranging from 0 km to 50 km from the facility, based on the ''urban scale'' definition contained in appendix D to 40 CFR part 58, section 4.4. Therefore, we assessed Idaho and neighboring state point sources that emit 100 tons per year (tpy) of SO_2[8] or more that are located up to 50 km from an Idaho border.

There are four sources in Idaho that emit 100 tpy of SO_2 or more. These sources are located in southeastern Idaho and are listed in Table 3 of this document. Two of the sources, P4 Production and Itafos Conda, are less than 50 km from the Idaho-Wyoming border, 45 km and 40 km, respectively.

TABLE 3—IDAHO SO_2 SOURCES

[$SO_2 \geq 100$ tpy]

Idaho SO_2 Source	2017 Emissions (tpy) 9	Distance to nearest state border (km)/state border
J.R. Simplot Company—Don Siding Pocatello (Pocatello, ID)	748	101/ID–NV.
The Amalgamated Sugar Company (Twin Falls, ID)	635	61/ID–NV.
P4 Production (Soda Springs, ID)	488	45/ID–WY.
Itafos Conda (Conda, ID)	387	40/ID–WY.

The Naughton Generating Plant in Lincoln, Wyoming, is the closest neighboring state source to P4 Production and Itafos Conda. The EPA has therefore assessed potential SO_2 impacts from these Idaho sources to the Lincoln, Wyoming area. Table 4 of this document shows SO_2 emissions and approximate distances between the sources. The EPA finds that the 131 to 134 km distance between the two Idaho sources and the Wyoming source, more than twice the 50-km distance the EPA has focused on for this analysis, makes it very unlikely that SO_2 emissions from

[7] Design values are from monitors with sufficient data available in the EPA's Air Quality System (AQS) to produce valid design values. Data retrieved from the EPA's *https://www.epa.gov/air-trends/air-quality-design-values#report.*

[8] We have limited our analysis to sources emitting at least 100 tpy of SO_2 because in the absence of special factors, for example the presence of a nearby larger source or unusual physical factors, Idaho sources emitting less than 100 tpy can appropriately be presumed to not be causing or contributing to SO_2 concentrations above the NAAQS.

the Idaho sources will interact with SO_2 emissions from the Wyoming source in such a way as to contribute significantly nonattainment in the Lincoln, Wyoming area.[10]

TABLE 4—IDAHO SO_2 SOURCES WITHIN 50 KM OF A STATE BORDER

[$SO_2 \geq 100$ tpy]

Idaho SO_2 source	2017 SO_2 emissions (tpy)	Distance to nearest neighboring state SO_2 source (km)/source	Neighboring state source 2017 SO_2 emissions (tpy)
Itafos Conda (Conda, Idaho)	387	134/Naughton Generating Plant, Lincoln, WY.	4,048
P4 Production (Soda Springs, Idaho)	488	131/Naughton Generating Plant, Lincoln, WY.	4,048

The EPA also reviewed the location of neighboring state sources that emit 100 tpy of SO_2 or more and are located within 50 km of the Idaho border. This is because SO_2 emitted by sources in Idaho are most likely to impact elevated levels of SO_2 in neighboring states near such sources. As shown in Table 5 of this document, there are two sources in neighboring states that are located within 50 km of an Idaho border, the previously mentioned Naughton Generating Plant in Lincoln, Wyoming, located in southeastern Idaho, and EP Minerals in Vale, Oregon, located in southwestern Idaho. The shortest distance between any pair of these sources is 131 km, between the Naughton Generating Plant and P4 Production. As just explained, this distance makes it unlikely that SO_2 emissions from the Idaho source will interact with SO_2 emissions from the Wyoming source. This indicates that there is no location in any neighboring state that would warrant further investigation with respect to Idaho SO_2 emission sources that might contribute to problems with attainment of the 2010 SO_2 NAAQS.

TABLE 5—NEIGHBORING STATE SO_2 SOURCES WITHIN 50 km OF AN IDAHO BORDER

[$SO_2 \geq 100$ tpy]

Neighboring state SO_2 source	2017 SO_2 emissions (tpy)	Distance to Idaho border (km)	Distance to nearest Idaho SO_2 source (km)	Idaho Source 2017 SO_2 Emissions (tpy)
Naughton Generating Station, Lincoln, WY	4,048	46	131 (P4 Production, Soda Springs, ID)	488
EP Minerals, Vale, OR	182	32	286/The Amalgamated Sugar Company, Twin Falls, ID.	635

The Fort Hall Reservation

On January 19, 2017, the EPA determined that the Shoshone-Bannock Tribes of the Fort Hall Reservation were eligible to be treated in the same manner as an affected downwind state for purposes of CAA sections 110(a)(2)(D) and 126.[11] Idaho submitted the SO_2 interstate transport SIP before this determination and the submission did not analyze SO_2 transport to the Fort Hall Reservation. Therefore, the EPA has conducted the following weight of evidence analysis for potential Idaho SO_2 transport to the Fort Hall Reservation.

The Fort Hall Reservation is located in southeastern Idaho, mostly on the high, flat, cultivated east banks of the Snake River Plain which average around 4,500 feet above sea level. The east portion of the Reservation rests on the northern reaches of the Pocatello range of mountains. The Fort Hall Reservation is bordered on the east and south by the rugged rocky hills of the Pocatello, Chesterfield, and Caribou mountain ranges. These ranges run north-south with peaks rising from 6,000 to 9,000 feet above sea level, generally east and south of the Reservation.

The EPA reviewed ambient air quality data, particularly near the Fort Hall Reservation borders, for any monitoring sites with elevated SO_2 concentrations that might warrant further investigation with respect to interstate transport of SO_2 from Idaho sources. The nearest SO_2 monitor to the Fort Hall Reservation is in Pocatello, Idaho (AQS Site ID 160050004) and is approximately 2 km from the nearest Reservation border. Another SO_2 monitor is located in Caribou County, Idaho (AQS Site ID 160290031) and is approximately 37 km from the southeastern border of the Fort Hall Reservation. Although these monitors are not sited to determine maximum impacts at the Fort Hall Reservation, monitoring data listed in Table 6 of this document, indicate that SO_2 levels in those areas are relatively low. The 2017–2019 design values at the Pocatello and Caribou County monitor

[9] Point source emissions data throughout this document were obtained through the EPA's Emissions Inventory System (EIS) Gateway at *https://www.epa.gov/air-emissions-inventories/emissions-inventory-system-eis-gateway.*

[10] In round 3 of 2010 SO_2 designations, the EPA designated Lincoln County in Wyoming as attainment/unclassifiable for the 2010 1-hour SO_2 NAAQS based on modeling of the Naughton source area. See ''Technical Support Document: Chapter 45 Final Round 3 Area Designations for the 2010 1-Hour SO_2 Primary National Ambient Air Quality Standard for Wyoming'' at *https://www.epa.gov/sites/production/files/2017-12/documents/45-wy-so2-rd3-final.pdf.* See also ''Technical Support Document: Chapter 45 Intended Round 3 Area Designations for the 2010 1-Hour SO_2 Primary National Ambient Air Quality Standard for Wyoming'' at *https://www.epa.gov/sites/production/files/2017–08/documents/45_wy_so2_rd3-final.pdf.*

[11] The EPA's determination that the Shoshone-Bannock Tribes are eligible for treatment in the same manner as a state for CAA sections 110(a)(2)(D) and 126 is available in the docket for this action. See also *https://www.epa.gov/tribal/tribes-approved-treatment-state-tas.*

sites were 53 at 47 and percent of the 75-ppb level of the NAAQS, respectively.

TABLE 6—IDAHO SO_2 DESIGN VALUES [12] IN ppb FOR AQS MONITORS NEAR THE FORT HALL RESERVATION

AQS monitor location (AQS site ID)	Approximate distance to Fort Hall Reservation (km)	Design value					
		2012–2014	2013–2015	2014–2016	2015–2017	2016–2018	2017–2019
Pocatello (160050004)	2	51	41	39	38	38	40
Caribou County (160290031)	37	30	26	26	30	31	35

These air quality data do not, by themselves, indicate any particular location that would warrant further investigation with respect to SO_2 emission sources that might contribute significantly to nonattainment at the Fort Hall Reservation. However, data from this monitoring network is not necessarily representative of SO_2 levels throughout the Fort Hall Reservation and we have therefore also conducted a source-oriented analysis.

As discussed previously, the EPA finds that it is appropriate to examine the impacts of emissions from stationary sources in Idaho in distances ranging from 0 km to 50 km from the facility, based on the ''urban scale'' definition contained in appendix D to 40 CFR part 58, section 4.4. Therefore, we assessed point sources with SO_2 emissions of 100 tpy [13] or more within 50 km of the Fort Hall Reservation to evaluate trends and SO_2 concentrations in areawide air quality. We identified three such sources, listed in Table 7 of this document. We note that there are no sources within the Fort Hall Reservation that emit more than 2 tpy of SO_2.

TABLE 7—SO_2 EMISSIONS SOURCES WITHIN 50 km OF THE FORT HALL RESERVATION

[$SO_2 \geq 100$ tpy]

SO_2 Source [14] [15]	2017 SO_2 emissions (tpy)	Distance to Fort Hall Reservation (km)	Distance to Pocatello site (AQS site ID 160050004)	Distance to Caribou County site (AQS Site ID 160290031)
J.R. Simplot Company—Don Siding Pocatello (Pocatello, ID)	748	<1	1	80
P4 Production (Soda Springs, ID)	488	38	80	1
Itafos Conda (Conda, ID)	387	38	82	7

J.R. Simplot Company—Don Siding Pocatello

The J.R. Simplot Company—Don Siding Pocatello plant (Simplot Don Siding Plant), in Pocatello, Idaho, is the closest SO_2 source to the Fort Hall Reservation and has the highest SO_2 emissions in the area with 748 tpy in 2017. The Simplot Don Siding Plant is approximately 1 km from the boundary of the Fort Hall Reservation and approximately 1 km from the Pocatello SO_2 monitor (AQS Site ID 160050004). The EPA reviewed SO_2 emissions data for the Simplot Don Siding Plant from 2010 through 2017. As shown in Table 8 of this document, SO_2 emissions have decreased considerably over time and are less than half what they were in 2010.

TABLE 8—SIMPLOT DON SIDING PLANT SO_2 EMISSIONS (tpy) FROM 2010–2017

2010	2011	2012	2013	2014	2015	2016	2017
1,634	1,647	1,563	803	795	732	735	748

The EPA reviewed data from the meteorological station at the Pocatello Regional Airport, which is approximately 6 km west of the Simplot Don Siding Plant. Prevailing winds are from the southwest with an average speed of 4.2 meters per second. Given the close distance of the Pocatello SO_2 monitor to the Simplot Don Siding Plant, the low monitored SO_2 concentrations, and the prevalent wind direction, it is likely that SO_2 emissions from the Simplot Don Siding Plant will be sufficiently dispersed before reaching the Fort Hall Reservation.

[12] Design values are from monitors with sufficient data available in the EPA's Air Quality System (AQS) to produce valid design values. Data retrieved from *https://www.epa.gov/air-trends/air-quality-design-values#report.*

[13] We have limited our analysis to Idaho sources emitting at least 100 tpy of SO_2 because in the absence of special factors, for example the presence of a nearby larger source or unusual physical factors, Idaho sources emitting less than 100 tpy can appropriately be presumed to not be causing or contributing to SO_2 concentrations above the NAAQS.

[14] The Simplot Don Siding Plant, P4 Production, and Itafos Conda are title V major stationary sources subject to the applicable limits and controls in the Idaho SIP, including Idaho's SIP-approved stationary source Permit to Construct program (IDAPA 58.01.01.200 through 222). The Simplot Don Siding Plant is owned or operated by J.R. Simplot Company, which is a party to a Federal Consent Decree to resolve CAA violations at the company's sulfuric acid plants. (Consent Decree, *USA et al.* v. *J.R. Simplot Company,* Case No. 1:15–cv–00562–CWD (Dist. Idaho 2015). On August 19, 2019, the Idaho Department of Environmental Quality issued a revised Permit to Construct to incorporate the consent decree requirements into the Simplot Don Siding Plant's permit. (P–2016–0055 Project 62103 issued pursuant to IDAPA 58.01.01.200 through 222.)

[15] A schematic map of the sources and their proximity to the Fort Hall Reservation is available in the docket for this action.

In addition to reviewing the 2009–2011 regional scale SO_2 modeling in Idaho's submission, the EPA examined more recent regional-scale SO_2 modeling for the Pocatello area using the same tool Idaho used with updated data from July 2014 to June 2017.[16] The highest design concentration identified in the area is about 6.8 ppb, well under the 1-hour SO_2 NAAQS of 75 ppb. On the Fort Hall Reservation, the highest design concentration identified in the area is 6.3 ppb and occurs west of the Simplot Don Siding Plant. This analysis indicates that SO_2 emissions impacts from the Simplot Don Siding Plant to the vicinity and the Fort Hall Reservation are likely minimal. While this regional-scale modeling is not dispositive as to the determination of whether impermissible SO_2 transport is occurring, it provides information that along with other factors may be considered in a weight of evidence evaluation.

P4 Production and The Itafos Conda

The EPA also assessed potential SO_2 impacts from other point sources near the Fort Hall Reservation, P4 Production and Itafos Conda, which are approximately 7 km apart. These sources are located in the Soda Springs region on the east side of the high Caribou Valley plain, along the west flanks of the Caribou Range of mountains. The rugged Blackfoot Lava Fields and high, rocky Chesterfield Range of mountains lie between the Fort Hall Reservation and Soda Springs region and rise to peaks exceeding 7,000 feet.

As shown in Table 7 of this document, these sources are approximately 38 km from the Fort Hall Reservation. The closest SO_2 monitor to these sources is the Caribou County monitor (AQS Site ID 160290031), which is 1 km from P4 Production and 7 km from Itafos Conda. The EPA reviewed SO_2 emissions data for P4 Production and Itafos Conda from 2010 to 2017. As shown in Table 9 of this document, SO_2 emissions at P4 Production have decreased by almost half since 2010. At Itafos Conda, SO_2 emissions have not changed substantially since 2010.

TABLE 9—P4 PRODUCTION AND ITAFOS CONDA SO_2 EMISSIONS (tpy) FROM 2010–2017

Facility	2010	2011	2012	2013	2014	2015	2016	2017
P4 Production	936	1169	643	615	456	467	478	488
Itafos Conda	341	302	311	410	332	438	364	387

With a 38 km transport distance over complex, rugged terrain, and the low monitored SO_2 concentrations, it is likely that SO_2 emissions from P4 Production and Itafos Conda will be sufficiently dispersed before impacting the Fort Hall Reservation, and that any impacts to the Reservation from these sources would likely be minimal.

The EPA has reviewed SO_2 sources with emissions of 100 tpy or more within 50 km of the Fort Hall Reservation. Based on the available information, the EPA is proposing to find that Idaho will not contribute significantly to nonattainment of the 2010 1-hour SO_2 NAAQS for purposes of CAA section 110(a)(2)(D)(i)(I) in the Fort Hall Reservation.

We are proposing to conclude that, based on our review of the Idaho submission and our supplemental evaluation, Idaho's SIP meets the prong 1 requirements of CAA section 110(a)(2)(D)(i)(I) for purposes of the 2010 SO_2 NAAQS. In summary, for interstate transport prong 1, we reviewed the Idaho submission and conducted a supplemental analysis of ambient SO_2 monitoring data and SO_2 emission sources within Idaho, neighboring states, and the Fort Hall Reservation. Based on this analysis, we propose to determine that Idaho will not contribute significantly to nonattainment of the 2010 SO_2 NAAQS in any other state or the Fort Hall Reservation, per the requirements of CAA section 110(a)(2)(D)(i)(I).

2. The EPA's Prong 2 Evaluation

The EPA has reviewed available information on SO_2 air quality and emission trends to evaluate Idaho's conclusion that emissions from sources in the State will not interfere with maintenance of the 2010 SO_2 NAAQS in any downwind state. The EPA notes that Idaho's analysis does not independently address whether the SIP contains adequate provisions prohibiting emissions that will interfere with maintenance of the 2010 SO_2 NAAQS in any other state, or the Fort Hall Reservation. In remanding the Clean Air Interstate Rule (CAIR) to the EPA in *North Carolina* v. *EPA,* the D.C. Circuit explained that the regulating authority must give the ''interfere with maintenance'' clause of section 110(a)(2)(D)(i)(I) ''independent significance'' by evaluating the impact of upwind state emissions on downwind areas that, while currently in attainment, are at risk of future nonattainment, considering historic variability.[17] While Idaho did not evaluate the potential impact of its emissions on areas that are currently measuring clean data, but that may have issues maintaining that air quality, the EPA reviewed additional information, which builds on the analysis regarding significant contribution to nonattainment (prong 1) to determine potential impacts on areas that are measuring clean data. Specifically, because of the relatively low monitored ambient concentrations of SO_2 in Idaho and neighboring states, the levels of SO_2 emissions of Idaho sources, and the large distances between cross-state SO_2 sources, the EPA's weight of evidence evaluation shows that SO_2 levels in neighboring states near the Idaho border do not indicate any inability to maintain the SO_2 NAAQS that could be attributed, even in part, to sources in Idaho.

Based on our review of the EPA's emissions trends data, as shown in Table 1 of this document, SO_2 emissions from Idaho and neighboring states have decreased substantially over time.[18] From 2005 to 2017, total statewide SO_2 emissions decreased by the following

[16] The EPA used a tool developed and operated by Washington State University as part of the NW-AIRQUEST consortium. The tool estimates design concentrations from a regionally optimized photochemical air pollutant transport grid model that uses meteorological data and computes air pollutant emissions, transport, and chemistry using the EPA's CMAQ photochemical grid model. The model simulates industrial source emissions from point sources, including the Simplot Don Siding Plant, assuming a constant hourly emission rate of air pollutants based on the annual tons-per-year emissions provided in the 2014 National Emissions Inventory. The technical support document in the docket for this action provides additional information on the NW-AIRQUEST consortium's tool and the EPA's analysis.

[17] *North Carolina* v. *EPA,* 531 F.3d 896, 910–11 (D.C. Cir. 2008). The Court held that the EPA must give ''independent significance'' to each prong of CAA section 110(a)(2)(D)(i)(I). *Id.*

[18] Additional emissions trends data are available at: *https://www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data.*

proportions: Idaho: 72% decrease, Montana: 56% decrease, Nevada: 89% decrease, Oregon: 48% decrease, Utah: 71% decrease, Washington: 37% Decrease, and Wyoming: 57% decrease. This trend of decreasing SO_2 emissions does not by itself demonstrate that areas in Idaho and neighboring states will not have issues maintaining the 2010 SO_2 NAAQS. However, as a piece of this weight of evidence analysis for prong 2, it provides further indication (when considered alongside low monitor values in neighboring states) that such maintenance issues are unlikely. This is because the large decrease in SO_2 emissions covers a large geographic area, which strongly suggests that it is not a transient effect from reversible causes and that there is low likelihood that a strong upward trend in emissions will occur that might cause areas that are presently in attainment to violate the NAAQS.

The EPA notes that existing sources are subject to the control requirements in the Idaho SIP discussed in our prong 1 evaluation, and any future new and modified stationary sources of SO_2 emissions will be subject to Idaho's SIP-approved pre-construction permitting (''new source review'' or ''NSR'') program.[19] The EPA believes that the permitting regulations contained within these programs will help ensure that ambient concentrations of SO_2 in neighboring states will not be exceeded as a result of new facility construction or modification occurring in Idaho.

In conclusion, for interstate transport prong 2, the EPA has incorporated additional information into our evaluation of Idaho's submission, which did not include an independent analysis of prong 2. In doing so, we have reviewed information about emission trends, as well as the technical information considered for our interstate transport prong 1 analysis. We find that the combination of low ambient concentrations of SO_2 in Idaho and neighboring states, including near the Fort Hall Reservation, the large distances between cross-state SO_2 sources, the downward trend in SO_2 emissions from Idaho and surrounding states, and SIP-approved control measures designed to limit SO_2 emissions from new and modified stationary sources in Idaho, indicates that Idaho sources will not interfere with maintenance of the 2010 SO_2 NAAQS in any other state or the Fort Hall Reservation. Accordingly, we propose to determine that Idaho SO_2 emission sources will not interfere with maintenance of the 2010 SO_2 NAAQS in any other state or the Fort Hall Reservation, per the requirements of CAA section 110(a)(2)(D)(i)(I).

IV. Proposed Action

The EPA is proposing to approve the December 24, 2015 Idaho SIP as meeting the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2010 SO_2 NAAQS. The EPA is proposing this approval based on our review of the information and analysis provided by Idaho, as well as additional analyses conducted by the EPA to verify and supplement the Idaho SIP, which indicates that Idaho will not contribute significantly to nonattainment or interfere with maintenance of the 2010 SO_2 NAAQS in any other state or the Fort Hall Reservation. This action is being taken under section 110 of the CAA.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The proposed SIP would not be approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Consistent with EPA policy, the EPA provided a consultation opportunity to the Shoshone-Bannock Tribes concerning the EPA's action on this SIP submission in a letter dated March 7, 2018. The EPA did not receive a request for consultation.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate Matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 25, 2020.

Christopher Hladick,

Regional Administrator, Region 10.

[FR Doc. 2020–21741 Filed 10–2–20; 8:45 am]

BILLING CODE 6560–50–P

[19] The EPA approved a consolidated pre-construction permitting program, including both major and minor source NSR, into the Idaho SIP on June 23, 1986 (51 FR 22810). Since that time, we have approved revisions to the program as consistent with the CAA and Federal NSR requirements codified at 40 CFR 51.160 through 40 CFR 51.166, most recently on August 20, 2018 (83 FR 42033).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2020–0364; FRL–10014–67–Region 9]

Air Plan Approval; California; San Diego Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the San Diego Air Pollution Control District (SDAPCD or ''District'') portion of the California State Implementation Plan (SIP). This revision concerns the regulation of emissions of volatile organic compounds (VOCs) from large coating operations for wood products. We are proposing to approve the rescission of a local rule from the California SIP that is no longer needed to regulate these emission sources under the Clean Air Act (CAA or the ''Act''). We are taking comments on this proposal and plan to follow with a final action.

DATES: Comments must be received on or before November 4, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2020–0364 at *https://www.regulations.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* If you need assistance in a language other than English, or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Robert Schwartz, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105. By phone: (415) 972–3286 or by email at *schwartz.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

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I. The State's Submittal

A. What rule did the State repeal?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the SDAPCD and approved by the EPA. SDAPCD repealed this rule from its local rulebook on June 27, 2012, and, in a letter to the California Air Resources Board (CARB) dated July 24, 2012, the District requested that CARB petition the EPA to repeal the rule from the California SIP.[1] On March 4, 2015, CARB submitted a formal request to the EPA requesting that the EPA rescind SDAPCD Rule 67.11.1 from the SIP.[2]

TABLE 1—RULE FOR WHICH RESCISSION FROM THE SIP IS REQUESTED

Local agency	Rule No.	Rule title	Adopted	SIP approval date
SDAPCD	67.11.1	Large Coating Operations for Wood Products	09/25/2002	06/05/2003

On September 4, 2015, the submittal for the rescission of the SDAPCD Rule 67.11.1 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. What was the purpose of the SIP-approved rule, and what is the purpose of the State's rescission request?

Emissions of VOCs contribute to the production of ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Rule 67.11.1 was adopted to meet reasonably available control technology (RACT) requirements under CAA section 182. The purpose of Rule 67.11.1 was to limit VOC emissions from wood products coating operations, including emissions from equipment cleaning, that are greater than or equal to 25 tons per calendar year. The SDAPCD adopted, and retains in its rulebook, another SIP-approved rule, Rule 67.11[3] to regulate this source category. Rule 67.11 is as stringent as or more stringent than Rule 67.11.1. As noted in a July 24, 2012 letter from the SDAPCD to CARB, the State is seeking to rescind Rule 67.11.1 from the SIP, based on its determination that Rule 67.11.1 ''became duplicative of Rule 67.11 standards that took effect in 2005 . . . and Rule 67.11.1 became further obsolete upon the Board's adoption of the amendments to Rule 67.11 on June 27, 2012.''[4]

[1] Letter and attachments dated July 24, 2012, from Robert Reider (for Rosa Marie S. Abreu, Assistant Director, SDAPCD), to Michael J. Guzzetta, Manager, Rule Evaluation Section, Program Evaluation Branch, Stationary Source Division, ARB, ''Submittal and Repeal for State Implementation Plan (SIP) Amendments to Rule 67.11—Wood Products Coating Operations. Repeal of Rule 67.11.1—Large Coating Operations for Wood Products.''

[2] Letter dated March 4, 2015, from Richard Corey, Executive Officer, California Air Resources Board, to Jared Blumenfeld, Regional Administrator, EPA Region IX, Request to Rescind District Rule 67.11.1 from the CA SIP.

[3] The EPA approved SDAPCD Rule 67.11 into the California SIP on April 11, 2013. 78 FR 21538.

[4] Letter and attachments dated July 24, 2012, from Robert Reider (for Rosa Marie S. Abreu, Assistant Director, SDAPCD), to Michael J. Guzzetta, Manager, Rule Evaluation Section, Program Evaluation Branch, Stationary Source Division, ARB, ''Submittal and Repeal for State

Continued

The EPA's technical support document (TSD) for our proposed rule action has more information about both of these rules and the State's request that Rule 67.11.1 be rescinded from the California SIP.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the request for rescission?

Once a rule has been approved as part of a SIP, the rescission of that rule from the SIP constitutes a SIP revision. To approve such a revision, the EPA must determine whether the revision meets relevant CAA criteria for stringency, and complies with restrictions on relaxation of SIP measures under CAA section 110(l), and the General Savings Clause in CAA section 193 for SIP-approved control requirements in effect before November 15, 1990.

Stringency: Generally, SIP rules must require RACT for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOCs in ozone nonattainment areas classified as Moderate or above (see CAA section 182(b)(2)). The SDAPCD is designated as an ozone nonattainment area classified as Serious for the 2008 8-hour national ambient air quality standards (NAAQS), and was designated as Moderate for the 2015 ozone NAAQS on June 4, 2018.[5]

Plan Revisions: States must demonstrate that SIP revisions would not interfere with attainment, reasonable further progress (RFP) or any other applicable requirement of the CAA under the provisions of CAA section 110(l). Therefore, consistent with CAA section 110(l) requirements, SDAPCD must demonstrate that the rescission of Rule 67.11.1 from the SIP would not interfere with attainment and RFP of the NAAQS or any other applicable CAA requirement.

General Savings Clause: CAA section 193 prohibits the modification of any control requirement in effect, or required to be adopted by an order, settlement agreement or plan in effect before November 15, 1990, in areas designated as nonattainment for an air pollutant unless the modification ensures equivalent or greater emission reductions of the relevant pollutant.

Guidance and policy documents that we used to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Control Techniques Guidelines: Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations.'' EPA 453/R–96–007, April 1996.

B. Does the rule rescission meet the evaluation criteria?

We have concluded that SDAPCD Rule 67.11.1 is appropriate for rescission, given that the wood furniture manufacturing source category continues to be regulated by the SDAPCD's Rule 67.11, which has been approved by the EPA into the California SIP, and which we have determined is as stringent as, or more stringent than Rule 67.11.1, as detailed in the TSD supporting this proposed rule action.[6] Therefore, we have determined that the rescission of this rule will not have any adverse impact on SIP requirements for RFP or attainment, or otherwise interfere with any RACT requirements under CAA section 182, or any other applicable requirements of the CAA. The EPA's TSD contains additional details about our evaluation. Lastly, we note that Rule 67.11.1 was SIP-approved post-1990; therefore, CAA section 193 does not apply to this action.

C. Public Comment and Proposed Action

As authorized in section 110(k)(3) of the Act, the EPA proposes to approve the rescission of Rule 67.11.1 from the San Diego portion of the California SIP because it is no longer needed to meet any CAA requirement and because rescission would not interfere with RFP or attainment of any of the NAAQS. We will accept comments from the public on this proposal until November 4, 2020. If we take final action to approve the rule rescission, our final action will rescind this rule from the federally enforceable SIP.

III. Incorporation by Reference

In this document, the EPA is proposing to amend regulatory text that includes incorporation by reference. The EPA is proposing to remove SDAPCD Rule 67.11.1 as described in Table 1 of this preamble from the California State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or

Implementation Plan (SIP) Amendments to Rule 67.11—Wood Products Coating Operations. Repeal of Rule 67.11.1—Large Coating Operations for Wood Products.''

[5] See 40 CFR 81.305; 83 FR 25776.

[6] See also Technical Support Document for EPA's Notice of Direct Final Rulemaking for the California State Implementation Plan, San Diego County Air Pollution Control District, Rule 67.11, Wood Products Coating Operations, United States Environmental Protection Agency, Region IX Air Division. Adrianne Borgia, February 2013; SDAPCD, CARB Rule Evaluation Form, Rule 67.11, adopted 6/27/2012, submitted 7/25/2012; San Diego Air Pollution Control Board, Minute Order No. 1, Notice of Public Hearing, ''Adoption of Amendments to Rule 67.11—Wood Products Coating Operations, and Repeal of Rule 67.11.1—Large Coating Operations for Wood Products,'' June 27, 2012; SDAPCD, Socioeconomic Impact Assessment, Proposed Amended Rule 67.11—Wood Products Coating Operations, August 2011.

safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 16, 2020.

John Busterud,

Regional Administrator, Region IX.

[FR Doc. 2020–20848 Filed 10–2–20; 8:45 am]

BILLING CODE 6560–50–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1039

[Docket No. EP 704 (Sub–No. 1)]

Review of Commodity, Boxcar, and TOFC/COFC Exemptions

AGENCY: Surface Transportation Board.

ACTION: Request for comment in rulemaking proceeding.

SUMMARY: The Surface Transportation Board (Board or STB) seeks public comment on a new approach its Office of Economics has developed for possible use in considering class exemption and revocation issues.

DATES: Initial comments are due on or before December 4, 2020. Replies to initial comments are due on or before January 4, 2021.

ADDRESSES: Comments and replies may be filed with the Board via e-filing and will be posted to the Board's website at *www.stb.gov.*

FOR FURTHER INFORMATION CONTACT: Amy Ziehm at (202) 245–0391. Assistance for the hearing impaired is available through Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On March 23, 2016, the Board issued a notice of proposed rulemaking seeking public comment on its proposal to revoke the existing class exemptions under 49 CFR part 1039 for (1) crushed or broken stone or rip rap; (2) hydraulic cement; (3) coke produced from coal; (4) primary iron or steel products; and (5) iron or steel scrap, wastes, or tailings. *Review of Commodity, Boxcar & TOFC/COFC Exemptions* (*NPRM*), EP 704 (Sub–No. 1) (STB served Mar. 23, 2016) (with Board Member Begeman dissenting). The *NPRM* also invited interested parties to file comments regarding the possible revocation of other commodity class exemptions. On March 19, 2019, to permit informal discussions with interested parties, the Board waived the general prohibition on ex parte communications in effect when the proceeding was initiated. *Review of Commodity, Boxcar & TOFC/COFC Exemptions,* EP 704 (Sub–No. 1) (STB served Mar. 19, 2019). Following the feedback received during the course of this proceeding, the Board's Office of Economics has developed an approach for possible use in considering class exemption and revocation issues. The Board requests that interested parties submit comments on the approach.

Additional information is contained in the Board's decision, available at *www.stb.gov.*

Authority: 49 U.S.C. 10502 and 13301.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Railroads.

Decided: September 29, 2020.

By the Board, Board Members Begeman, Fuchs, and Oberman.

Aretha Laws-Byrum,

Clearance Clerk.

[FR Doc. 2020–21925 Filed 10–2–20; 8:45 am]

BILLING CODE 4915–01–P

Notices

Federal Register

Vol. 85, No. 193

Monday, October 5, 2020

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 30, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are required regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by November 4, 2020 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Farm Service Agency

Title: Customer Data Worksheet Request for Business Partner Record Change.

OMB Control Number: 0560–0265.

Summary of Collection: Core Customer Data is required in order to identify USDA program participants who are individual persons and legal entities. The Core Customer Data is necessary to ensure that benefits are issued to the correct customer and valid Tax Identification Numbers. USDA requires this data to ensure that customers can be validated and also to provide a necessary basis for pursuing legal remedies in the event of error or fraud. There is no public law regarding the use or collection of Core Customer Data. The option to document and track Core Customer Data changes is necessary to ensure the integrity of the data and to provide the Farm Service Agency (FSA), Natural Resources and Conservation Service and Rural Development (RD, Risk Management Agency (RMA), and Agricultural Marketing Service (AMS), a method of verifying the validity of the information, and provide a necessary basis for pursuing legal remedies when needed.

Need and Use of the Information: Core Customer Data is necessary to input customer information for identity purposes and to provide a point of contact for the respective customer and a valid Tax Identification Number to direct program benefits to. The AD–2047 will be used to document Corel Customer Data changes and also to provide a method to identify who made applicable changes and when this was done. Failure to collect and timely maintain the data collected will result in erroneous/out dated point of contact information, which could result in program information and benefits being directed to incorrect recipients.

Description of Respondents: Individuals or households.

Number of Respondents: 109,774.

Frequency of Responses: Reporting: Other (when necessary).

Total Burden Hours: 5,489.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2020–21940 Filed 10–2–20; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Assessment of Fees for Dairy Import Licenses for the 2021 Tariff-Rate Import Quota Year

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces a fee of $290 to be charged for the 2021 tariff-rate quota (TRQ) year for each license issued to a person or firm by the Department of Agriculture authorizing the importation of certain dairy articles, which are subject to tariff-rate quotas set forth in the Harmonized Tariff Schedule (HTS) of the United States.

DATES: October 5, 2020.

FOR FURTHER INFORMATION CONTACT: Abdelsalam El-Farra, Import Programs, Multilateral Affairs, Trade Policy and Geographic Affairs, Foreign Agricultural Service, U.S. Department of Agriculture, Stop 1070, 1400 Independence Avenue SW, Washington, DC 20250–1070; by phone: (202) 720–9439 or by email at: *abdelsalam.el-farra@usda.gov.*

SUPPLEMENTARY INFORMATION:

The Dairy Tariff-Rate Quota Import Licensing Regulation promulgated by the Department of Agriculture and codified at 7 CFR 6.20–6.36 provides for the issuance of licenses to import certain dairy articles that are subject to TRQs set forth in the HTS. Those dairy articles may only be entered into the United States at the in-quota TRQ tariff-rates by or for the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country of origin. The use of such licenses is monitored by the Import Program within the Foreign Agricultural Service, U.S. Department of Agriculture, and U.S. Customs and Border Protection, U.S. Department of Homeland Security.

The regulation at 7 CFR 6.33(a) provides that a fee will be charged for each license issued to a person or firm by the Licensing Authority to defray the Department of Agriculture's costs of

administering the licensing system under this regulation.

The regulation at 7 CFR 6.33(a) also provides that the Licensing Authority will announce the annual fee for each license and that such fee will be set out in a notice to be published in the **Federal Register**. Accordingly, this notice sets out the fee for the licenses to be issued for the 2021 calendar year.

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by U.S.C. 804(2).

Notice: The total cost to the Department of Agriculture of administering the licensing system for 2021 has been estimated to be $653,500.00 and the estimated number of licenses expected to be issued is 2,250. Of the total cost, $383,500.00 represents staff and supervisory costs directly related to administering the licensing system, and $270,000.00 represents other miscellaneous costs, including travel, publications, forms, and Automatic Data Processing (ADP) system support.

Accordingly, notice is hereby given that the fee for each license issued to a person or firm for the 2021 calendar year, in accordance with 7 CFR 6.33, will be $290 per license.

Aileen Mannix,

Licensing Authority.

[FR Doc. 2020–21903 Filed 10–2–20; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Notice of Funds Availability for the Technical Assistance and Training for Innovative Regional Wastewater Treatment Solutions Grant Pilot Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funds availability.

SUMMARY: Rural Utilities Services (RUS), a Rural Development agency of the United States Department of Agriculture (USDA), announces the availability of up to $5 million in competitive grants to eligible entities to fund a new pilot program. This pilot program, called the Technical Assistance and Training for Innovative Regional Wastewater Treatment Solutions (TAT/RWTS) Grant Pilot Program, was authorized by the Further Consolidated Appropriations Act, 2020, for the study and design of innovative treatment solutions of regional wastewater systems for historically impoverished communities that have had difficulty installing traditional wastewater treatment systems due to soil conditions.

DATES: Applications for TAT/RWTS grant(s) must be submitted electronically through *Grants.gov* by 11:59 p.m. Eastern Daylight Time by November 4, 2020. Applications received after 11:59 p.m. Eastern Daylight Time on November 4, 2020 will not be considered.

ADDRESSES:

Application Submission: The application system for electronic submissions will be available at *http://www.grants.gov/.*

Electronic submissions: Electronic submissions of applications will allow for the expeditious review of an Applicant's proposal. As a result, all applicants must file their application electronically.

For additional information contact: Lois East: Telephone (660) 492–4268, email: *lois.east@usda.gov.* Persons with disabilities that require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION: Authority: This solicitation is issued pursuant to 5 U.S.C. 301; 7 U.S.C. 1989; 16 U.S.C. 1005; and Division B, Title VII General Provisions, Section 783 of the Further Consolidated Appropriations Act, 2020 (Pub. L. 116–94).

Overview

Federal Agency: Rural Utilities Service (RUS), (USDA).

Funding Opportunity Title: Technical Assistance and Training for Innovative Regional Wastewater Treatment Solutions (TAT/RWTS) Grant Pilot Program.

Announcement Type: Notice of Funds Availability.

Catalog of Federal Domestic Assistance (CFDA) Number: Technical Assistance and Training and Training for Innovative Regional Wastewater Treatment Solutions (TAT/RWTS) Grant Pilot Program—10.761.

Due Date for Applications: Applications for TAT/RWTS grant(s) must be received by 11:59 p.m. on November 4, 2020. Applications received after 11:59 p.m. Eastern Daylight Time on November 4, 2020 will not be considered.

Items in Supplementary Information

I. Program Overview
II. Federal Award Information
III. Definitions
IV. Eligibility Information
V. Application and Submission Information
VI. Application Review Information
VII. Federal Award Administration Information
VIII. Federal Awarding Agency Contacts
IX. Other Information

I. Program Overview

A. Background

Wastewater systems are basic and vital to both health and economic development. With environmentally sound waste disposal, rural communities can attract families and businesses that will invest in the community and improve the quality of life for all residents. Without safe and clean wastewater facilities, communities cannot sustain economic development or ensure the mitigation of health risks that can arise from poor sanitation.

USDA's Rural Development Agencies, comprising the Rural Utilities Service (RUS), Rural Business-Cooperative Service (RB–CS), and Rural Housing Service (RHS), are leading the way in helping rural America improve the quality of life and increase the economic opportunities for rural people. RUS provides financing for much-needed infrastructure or infrastructure improvements to rural communities, which includes Water and Environmental Programs (WEP). WEP provides the technical assistance and financing necessary to develop, improve, and operate drinking water and waste disposal systems. Safe drinking water and sanitary waste disposal systems are vital to public health, and to the economic vitality of rural America. WEP is proud to be the only federal program exclusively focused on the water and waste infrastructure needs of rural communities with populations of 10,000 or less. Additionally, WEP provides funding to organizations that provide technical assistance and training to rural communities to support water and waste activities and is administered through National Office staff in Washington, DC, and a network of field staff in each state.

On December 20, 2019, Congress passed the Further Consolidated Appropriations Act, 2020, which established a pilot program, the Technical Assistance and Training for Innovative Regional Wastewater Treatment Solutions (TAT/RWTS) Grant Pilot Program, to assist communities with wastewater systems. Specifically, Congress was concerned about raw sewage discharge in some rural communities, particularly historically impoverished communities that have had difficulty utilizing Rural Development programs. Rural Development was directed to develop a program to solve untreated raw sewage

issues with innovative technologies and strategic management and regulatory models. The program is to address rural wastewater management including county needs assessments, testing wastewater options, defining funding mechanisms for remediation and developing regulatory guidance. Congress appropriated $5 million in grant funding for the TAT/RWTS Grant Pilot Program in the Further Consolidated Appropriations Act, 2020, which is made available under this notice.

B. Program Description

Qualified regional consortiums will receive TAT/RWTS grant funds to identify and evaluate economically feasible, innovative regional solutions to wastewater treatment concerns for historically impoverished communities in areas which have had difficulty installing traditional wastewater treatment systems due to soil conditions. Grants are for wastewater-related technical assistance, including such services as feasibility studies, preliminary design assistance and supervision, oversight, or training for the development of an application for financial assistance.

Grantees will be expected to provide the Agency with a detailed report to include the area to be served, the issues with the present method of wastewater discharge, the alternatives and innovative solutions to the wastewater issue, the long-term cost and effect of the solution, the affordability including possible funding sources, potential treatment, staff training needs, and lifecycle cost analysis.

II. Federal Award Information

A. Catalog of Federal Domestic Assistance (CFDA) Number: 10.761

Catalog of Federal Domestic Assistance (CFDA) Title: Technical Assistance and Training for Innovative Regional Wastewater Treatment Solutions (TAT/RWTS) Grant Pilot Program.

B. Funds Available

Under the TAT/RWTS Grant Pilot Program, up to $5 million is made available to eligible applicants, to remain available until expended.

C. Approximate Number of Awards

The number of awards will depend on the number of eligible applicants and the total amount of requested funds. The Agency intends/expects to make approximately 2–3 awards in this fiscal year, to remain available until expended.

D. Type of Instrument

Awards to successful applicants will be in the form of grants, for up to 100 percent of total eligible project costs, but not to exceed $5 million, whichever is less.

III. Definitions

The terms and conditions provided in this Notice of Solicitation of Application (NOSA) are applicable to and for purposes of this NOSA only. Unless otherwise provided in the award documents, all financial terms not defined herein shall have the meaning as defined by Generally Accepted Accounting Principles (GAAP).

Consortium means regional institutions of higher education, academic health and research institutes, or economic development entities, or combination thereof, located in the region identified to be served that have experience in addressing these issues in the region.

Eligible Project Costs means only those costs incurred during the grant period and that are directly related to the use and purposes of the TAT/RWTS Grant Pilot Program.

GAAP means accounting principles generally accepted in the United States of America.

Historically impoverished area means an area meeting persistent poverty guidelines, which according to Section 740 of the General Provisions of the Further Consolidated Appropriations Act, 2020, Public Law 116–94, dated December 20, 2019, is any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average.

Rural means cities, towns, or unincorporated areas that individually have populations of no more than 10,000 inhabitants as adjusted by exclusion of individuals incarcerated on a long-term or regional basis and the exclusion of the first 1,500 individuals who reside in housing located on a military base, according to the most recent decennial Census of the United States. The area to be served may be made up of combinations of these eligible areas. If the applicable population figure cannot be obtained from the most recent decennial Census, RD will determine the applicable population figure based on available population data.

IV. Eligibility Information

A. Eligible Applicants

Regional consortia located in the United States and its territories may apply for this grant program. Eligible entities would include a consortium of regional institutions of higher education, academic health and research institutes, or economic development entities located in the region identified to be served that have experience in addressing these issues in the region. The consortium must include a regional university, or the proposed scope of work must include coordinating with a regional university, to solve untreated raw sewage issues with innovative technologies and strategic management and regulatory models.

Applicants must include all proposed activity under a single application. Application requirements and other important information is available at *Grants.gov* and on the TAT/RWTS web page *https://www.rd.usda.gov/programs-services/water-waste-disposal-technical-assistance-training-grants.*

An applicant is eligible to apply for the TAT/RWTS grant if it:

(1) Is a consortium (as defined in the definitions section of this notice);

(2) Is legally established and located within one of the following:

(a) A state within the United States;

(b) The District of Columbia;

(c) The Commonwealth of Puerto Rico; or

(d) A United States territory;

(3) Has the legal capacity and authority to carry out the grant purpose;

(4) Has no delinquent debt to the federal government or no outstanding judgments to repay a federal debt;

(5) Demonstrates that it possesses the financial, technical, and managerial capability to comply with federal and state laws and requirements; and,

(6) Is not a corporation that has been convicted of a felony (or had an officer or agent acting on behalf of the corporation convicted of a felony) within the past 24 months. Any corporation that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability is not eligible.

B. Eligible Project

The goal of the TAT/RWTS Grant Pilot Program is to find regional solutions to longstanding wastewater treatment problems where soil conditions make traditional wastewater

treatment ineffective and economically unfeasible. Grant funds must be used to identify and evaluate economically feasible innovative regional solutions to wastewater treatment concerns for historically impoverished rural communities in areas which have had difficulty installing traditional wastewater treatment systems due to soil conditions.

C. Eligible Project Costs

Eligible Project Costs are those costs defined in Section III. Grant funds must be used to identify and evaluate innovative regional solutions to wastewater treatment solutions for historically impoverished communities in areas which have had difficulty installing traditional wastewater treatment systems due to soil conditions.

The work product must be related to the purpose above and be related to a proposed project that meets the following requirements:

(1) MUST be regional in scope; and be for one of the following:

(2) To construct, enlarge, extend or otherwise improve rural wastewater facilities; or

(3) To construct or relocate public buildings, roads, bridges, fences, or utilities; and to make other public improvements necessary for the successful operation or protection of facilities authorized in paragraph (2) of this section; or

(4) To relocate private buildings, roads, bridges, fences, or utilities, and to make other private improvements necessary for the successful operation or protection of facilities authorized in paragraph (2) of this section.

D. Ineligible Project Costs

Grant funds may not be used to:

(1) Fund political or lobbying activities;

(2) Pay for work already completed;

(3) Purchase real estate or vehicles, improve or renovate office space, or repair and maintain privately owned property;

(4) Construct or furnish a building;

(5) Intervene in the federal regulatory or adjudicatory proceedings;

(6) Sue the Federal Government or any other government entities;

(7) Pay for any other costs that are not allowable under 2 CFR part 200, as adopted by USDA through 2 CFR part 400;

(8) Make contributions or donations to others;

(9) Fund projects that duplicate technical assistance given to implement action plans under the National Forest Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613). Applicants cannot receive both grants made under this part and grants that the Forest Service makes to implement the action plans for five continuous years from the date of grant approval by the Forest Services;

(10) To pay an outstanding judgment obtained by the United States in a Federal Court (other than in the United States Tax Court), which has been recorded. An applicant will be ineligible to receive a grant until the judgment is paid in full or otherwise satisfied; and

(11) Any project that creates a conflict of interest or an appearance of a conflict of interest.

V. Application and Submission Information

A. Electronic Application and Submission

Applications must be submitted electronically using *www.grants.gov.* No other form of application will be accepted. Application and supporting materials are available at *Grants.gov.*

B. Content and Form of Application Submission

You must submit your application electronically through *Grants.gov.* Your application must contain all required information.

To apply electronically, you must follow the instructions for this funding announcement at *http://www.grants.gov.* Please note that we cannot accept applications through mail or courier delivery, in-person delivery, email, or fax.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* website, you will find information about applying electronically through the site, as well as the hours of operation.

To use *Grants.gov,* you must already have a Data Universal Number System (DUNS) number and you must also be registered and maintain registration in System for Award Management (SAM). We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov* (see paragraph (a) below for more on flexibility).

You must submit all application documents electronically through *Grants.gov.* Applications must include electronic signatures. Original signatures may be required if funds are awarded.

After applying electronically through *Grants.gov,* you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

(1) *Applicants must complete and submit the following forms to apply for a TAT/RWTS grant:*

(a) Standard Form SF–424, ''Application for Federal Assistance,'' to include your DUNS number. You must also provide your SAM Commercial and Government Entity (CAGE) Code and expiration date under the applicant eligibility discussion in your proposal narrative. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding. In accordance with OMB Memoranda M–20–26, the Agency can accept an application without an active SAM registration. However, the registration must be completed before an award is made. Current registrants in SAM with active registrations expiring before May 16, 2020 will be afforded a one-time extension of 60 days.

(b) Form SF–424A, ''Budget Information for Non-Construction Programs.'' This form must be completed and submitted as part of the application package. You no longer must complete the Form SF 424B, ''Assurances Non-Construction Programs'' as a part of your application. This information is now collected through your registration or annual recertification in *sam.gov* through the Financial Assistance General Certifications and Representation.

(c) Form RD 400–1, ''Equal Opportunity Agreement;''

(d) Indirect Cost Rate Agreement (if applicable, applicant must include approved cost agreement rate schedule);

(e) Certification regarding Forest Service grant; and

(2) *All applications shall be accompanied by the following supporting documentation in concise written narrative form:*

(a) Evidence of applicant's legal existence and authority;

(b) Evidence of tax-exempt status from the Internal Revenue Service (IRS);

(c) A short statement of applicant's experience in providing services similar to those proposed;

(d) A brief description of successfully completed projects including the need that was identified and objectives accomplished;

(e) The latest financial information to show the applicant's financial capacity to carry out the proposed work;

(f) A list of proposed services to be provided;

(g) An estimated breakdown of costs (direct and indirect) including those to be funded by grantee as well as other

sources. Sufficient detail should be provided to permit the approving official to determine reasonableness, applicability, and eligibility;

(h) Evidence that a financial management system is in place or proposed;

(i) A description of the type of technical assistance to be provided and the tasks to be contracted;

(j) A description of how the effectiveness and results of the proposed TAT/RWTS project will be measured;

(k) Number of personnel on staff or to be contracted to provide the service and their experience with similar projects;

(l) A statement indicating the maximum number of months it would take to complete the project; and

(m) Explanation of the cost effectiveness of the project.

(3) *Applicants must submit a flexible work plan/project proposal.*

The proposal will outline the project in sufficient detail to provide a reader with a clear understanding of how the proposed TAT/RWTS project will address the technical assistance needs of RUS eligible sewer utilities in historically impoverished communities in areas which have had difficulty installing traditional wastewater treatment systems due to soil conditions.

(4) *The applicant must provide evidence of compliance with other federal statutes, including but not limited to the following:*

(a) Debarment and suspension information is required in accordance with 2 CFR part 417 (Nonprocurement Debarment and Suspension) supplemented by 2 CFR part 180, if it applies. The section heading is ''What information must I provide before entering into a covered transaction with a Federal agency?'' located at 2 CFR 180.335. It is part of OMB's Guidance for Grants and Agreements concerning Government-wide Debarment and Suspension.

(b) All of your organization's known workplaces by including the actual address of buildings (or parts of buildings) or other sites where work under the award takes place. Workplace identification is required under the drug-free workplace requirements in Subpart B of 2 CFR part 421, which adopts the Governmentwide implementation (2 CFR part 182) of the Drug-Free Workplace Act.

(c) 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards).

(d) 2 CFR part 182 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)) and 2 CFR part 421 (Requirements for Drug Free Workplace (Financial Assistance)).

(e) Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *http://www.lep.gov.*

C. DUNS Number and SAM

To be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d)), you are required to do the following:

(1) *Provide a valid DUNS number in your application.* The DUNS number can be obtained at no cost via a toll-free request line at (866) 705–5711;

(2) *Register in SAM before submitting your application.* You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM CAGE Code and expiration date. When registering in SAM, you must indicate you are applying for a federal financial assistance project or program or are currently the recipient of funding under any federal financial assistance project or program; and

(3) *Maintain active and current SAM registration.* The SAM registration must remain active with current information at all times while the Agency is considering an application or while a federal grant award or loan is active. To maintain the registration in the SAM database, the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete. Applicants must ensure they complete the Financial Assistance General Certifications and Representations in SAM.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a federal award and the Agency may use that determination as a basis for making an award to another applicant. In accordance with OMB Memoranda M–20–26, the Agency can accept an application without an active SAM registration. However, the registration must be completed before an award is made. Current registrants in SAM with active registrations expiring before May 16, 2020 will be afforded a one-time extension of 60 days. Please refer to Section F for additional submission requirements that apply to grantees selected for this program.

D. Submission Dates and Times

In order to be considered for funding, applications must be received by the specified date in the **DATES** section at the beginning of this notice. RUS will acknowledge the application's receipt by email to the applicant. The application will be reviewed for completeness to determine if it contains all of the items required. In order to be considered for funds under this notice, applications must be deemed complete and must be received by *Grants.gov* by the deadline specified in the **DATES** section of this notice.

E. Intergovernmental Review

Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, applies to this program. This E.O. requires that federal agencies provide opportunities for consultation on proposed assistance with state and local governments. Many states have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of states that maintain a SPOC, please see the White House website: *https://www.whitehouse.gov/wp-content/uploads/2017/11/SPOC-Feb.-2018.pdf* . If your state has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your State Office for consideration as part of your application. If your state has not established a SPOC, or if you do not want to submit a copy of the application, our State Offices will submit your application to the SPOC or other appropriate agency or agencies.

F. Compliance With Other Federal Statutes and Other Submission Requirements

(1) *Other Federal Statutes.* The applicant must certify to compliance with other Federal Statutes and regulations by completing the Financial Assistance General Certification and Representations in SAM, including, but not limited to the following:

(a) 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964. Civil Rights compliance includes, but is not limited to the following:

(i) Collect and maintain data provided by ultimate recipients on race, sex, and national origin and ensure that ultimate recipients collect and maintain this data. Race and ethnicity data will be collected in accordance with Office of Management and Budget (OMB) **Federal Register** Notice, ''Revisions of the

Standards for the Classification of Federal Data on Race and Ethnicity'' (published October 30, 1997 at 62 FR 58782). Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by RUS; and

(b) The applicant and the ultimate recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 12250, and 7 CFR 1901, subpart E;

(b) 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards), or any successor regulations;

(c) Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *http://www.lep.gov/;* and

(d) Federal Obligation Certification on Delinquent Debt.

VI. Application Review Information

A. Criteria

All applications that are complete and eligible will be scored and ranked competitively. The categories for scoring criteria used are the following:

Scoring criteria	Points
(1) Scope of Assistance: Proposed services to be provided	Up to 15 points.
(2) Degree of Expertise: Applicant's experience in providing services similar to those proposed and/or description of successfully completed projects including the need that was identified and objectives accomplished.	Up to 15 points.
(3) Applicant Resource (staff vs. contract personnel)	Up to 10 points.
(4) Goals/Objectives: Goals/objectives are clearly defined and tied to need, results and measurable outcomes	Up to 10 points.
(5) Extent to which the work plan clearly articulates a well-thought-out approach to accomplishing objectives; and clearly defines how the applicant would respond to historically impoverished communities in areas which have had difficulty installing traditional wastewater treatment systems due to soil conditions.	Up to 10 points.
(6) Financial Controls	Up to 5 points.
(7) Project Duration: Maximum number of months it would take to complete the project	Up to 5 points.
(8) Innovative Approach to Identifying and Targeting Wastewater Treatment	Up to 10 points.
(9) Direct Efforts Towards Identified Communities in Historically Impoverished Counties	Up to 10 points.
(10) Direct Efforts Towards Identified Communities in the Mid-South Region	Up to 10 points.

B. Review and Selection Process

(1) *Incomplete or ineligible applications.* If the application is incomplete or ineligible, RUS will return it to the applicant with an explanation. The RUS reserves the right to request additional information once an application is determined to be complete to minimize the risk of duplication of other federal efforts. The RUS grant offered to the successful applicant will be based on the submitted application and may be more narrowly tailored than the submitted application to meet rural community needs at the time of the offer or over the course of the grant period.

(2) *The Reviewers.* A review team will evaluate all applications and proposals based on the scoring criteria in paragraph A. of this section.

(3) *Ranking of Qualifying Applications.* Qualified applications will be ranked by their final score and selected for funding based on the highest scores. Due to the short application window and pilot nature of the program, the Agency expects to award a small number of grants under this notice. The Agency reserves the right to make no grant awards if all applications are incomplete and/or score below 65 points. Each applicant will be notified via email of the Agency's funding decision.

(4) *Other Agency Determinations.* In making its decision about your application, RUS may determine that your application is:

(a) Eligible and selected for funding;

(b) Eligible and offered fewer funds than requested;

(c) Eligible but not selected for funding; or

(d) Ineligible for the grant.

(5) *Appeal Request.* In accordance with 7 CFR part 1900, subpart B, the applicant generally has the right to appeal adverse decisions. Some adverse decisions cannot be appealed such as an award being denied RUS funding due to a lack of funds available for the grant program. However, an applicant may make a request to the National Appeals Division (NAD) to review the accuracy of the finding that the decision cannot be appealed. The appeal must be in writing and filed at the appropriate regional office, which can be found at *www.nad.usda.gov* or by calling (703) 305–1166.

(6) *Grant Agreement.* Applicants selected for funding will complete a grant agreement suitable to RUS, which outlines the terms and conditions of the grant award. Pursuant to the grant agreement, grant funds may be released over the course of the grant period in reimbursement of the performance of eligible, approved activities which do not duplicate similar federal efforts or tasks. The grant agreement may also include reporting and pre-approval requirements consistent with 7 CFR part 1775 which if not met, may result in a delay in reimbursement, disallowance of expense or a suspension of the grant.

(7) *Reimbursement.* Grantees will be reimbursed as follows:

(a) SF–270, ''Request for Advance or Reimbursement,'' will be completed by the grantee and submitted to the National Office along with the work product.

(b) Upon receipt of a properly completed SF–270, payment will ordinarily be made within 30 days.

(c) Any change in the scope of the project, budget adjustments of more than 10 percent of the total budget, or any other significant change in the project must be reported to and approved by the approving official by written amendment to the Grant Agreement. Any change not approved may be cause for termination of the grant.

C. Other Requirements

In order to be considered for funds, complete applications must be received by the deadline specified in the **DATES** section of this Notice.

(1) *Insufficient funds.* If available funds are insufficient to fund the total amount of an application:

(a) The applicant will be notified and given the option to lower the grant request and accept the remaining funds. If the applicant agrees to lower the grant request, the applicant must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project.

(b) If two or more applications have the same priority score, both applicants will be notified and given the option to lower the grant requests and accept the remaining funds. If an applicant agrees to lower its grant request, the applicant must certify that the purposes of the project will be met and provide the remaining total funds needed to complete the project.

(2) *Award considerations.* All award considerations will be on a discretionary basis. In determining the amount of an award, the RUS will consider the amount requested, subject to available funds.

(3) *Notification of funding determination.* Applicants will be informed in writing by the RUS as to the funding determination of the application.

VII. Federal Award Administration Information

A. Federal Award Notices

(1) TAT/RWTS grants will be administered in accordance with Departmental Regulations, and as otherwise specified in this Notice.

(2) Applicants selected for funding will receive a signed notice of Federal award containing instructions on requirements necessary to proceed with execution and performance of the award.

(3) Applicants not selected for funding will be notified in writing and informed of any review and appeal rights. Awards to successfully appealed applications will be limited to available funding.

B. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2.

In addition, all recipients of federal financial assistance are required to report information about first tier subawards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)).

The following additional requirements apply to grantees selected for this program:

- Execution of an agency approved Grant Agreement.
- Acceptance of a written Letter of Conditions.
- Submission of Form RD 1940–1, ''Request for Obligation of Funds.''
- Submission of Form RD 1942–46, ''Letter of Intent to Meet Conditions.''
- SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

You no longer must complete the following forms for acceptance of a federal award. This information is now collected through your registration or annual recertification in SAM.gov in the Financial Assistance General Certifications and Representations section:

- Form RD 400–4, ''Assurance Agreement.''
- Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''
- Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion. Lower Tier Covered Transactions.''
- Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants).''
- Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.''

C. Reporting

Grantees shall constantly monitor performance to ensure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved.

(1) SF–269 ''Financial Status Report (short form)'' and a project performance activity report will be required of all grantees on a quarterly basis, due 30 days after the end of each quarter.

(2) A final project performance report will be required with the last SF–269 due 90 days after the end of the last quarter in which the project is completed. The final report may serve as the last quarterly report.

(3) All grantees are to submit an original of each report to the National Office. The project performance reports should detail, in a narrative format, activities that have transpired for the specific time period.

(4) The grantee will provide an audit report or financial statements in accordance with Uniform Audit Requirements for Federal Awards at 2 CFR part 200, subpart F.

VIII. Federal Awarding Agency Contacts

For further information, contact: Lois East: telephone (660) 492–4268, email: *lois.east@usda.gov.* Persons with disabilities that require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

IX. Other Information

A. Paperwork Reduction Act

The Information Collection and Recordkeeping requirements contained in this rule have been approved by an emergency clearance under OMB Control Number 0572–NEW. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), RUS invites comments on this information collection for which the Agency intends to request approval from the Office of Management and Budget (OMB). RUS invites comments on any aspect of this collection of information including suggestions for reducing the burden. Comments may be submitted regarding this information collection by the following method:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and, in the lower ''Search Regulations and Federal Actions'' box, select ''RUS'' from the agency drop-down menu, then click on ''Submit.'' In the Docket ID column, select Docket No. RUS–20–WATER–0035 to submit or view public comments and to view supporting and related materials available electronically. Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link. Comments on this information collection must be received by December 4, 2020.

Copies of all forms, regulations, and instructions referenced in this NOSA may be obtained from RUS. Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, the failure to provide data could result in program benefits being withheld or denied.

The Information Collection and Recordkeeping requirements contained in this NOFA have been approved by an emergency clearance under OMB Control Number 0572–NEW. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), RUS invites comments on this information collection for which the agency intends to request approval from the Office of Management and Budget (OMB).

Comments on this notice must be received by December 4, 2020. Comments are invited on (a) whether the collection of information is

necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronical, mechanical, or other technological collection techniques or other forms of information technology.

Title: Technical Assistance and Training for Innovative Regional Wastewater Treatment Solutions (TAT/RWTS) Grant Pilot Program.

Type of Request: New collection.

Abstract: The TAT/RWTS Grant Pilot Program was authorized by the Further Consolidated Appropriations Act, 2020, for the study and design of innovative treatment solutions of regional wastewater systems for historically impoverished communities that have had difficulty installing traditional wastewater treatment systems due to soil conditions. Qualified regional consortiums will receive TAT/RWTS grant funds to identify and evaluate economically feasible, innovative regional solutions to wastewater treatment concerns for historically impoverished communities in areas which have had difficulty installing traditional wastewater treatment systems due to soil conditions. Grants are for wastewater-related technical assistance, including such services as feasibility studies, preliminary design assistance and supervision, oversight, or training for the development of an application for financial assistance.

Grantees will be expected to provide the Agency with a detailed report to include the area to be served, the issues with the present method of wastewater discharge, the alternatives and innovative solutions to the wastewater issue, the long-term cost and effect of the solution, the affordability including possible funding sources, potential treatment, staff training needs, and lifecycle cost analysis.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4.5 hours per response.

Respondents: Regional consortia of higher education, academic health and research institutes, or economic development entities.

Estimated Number of Respondents: 3.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden and Record Keeping Hours on Respondents: 242 hours.

Copies of this information collection can be obtained from MaryPat Daskal, Regulatory Division Team 2, Rural Development Innovation Center, U.S. Department of Agriculture, 1400 Independence Ave. SW, Stop 1522, Washington, DC 20250. Phone: 202–720–7853.

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

B. Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, reprisal and where applicable, political beliefs, marital status, familiar or parental status, religion, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or complete the form at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Individuals who are deaf, hard of hearing or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us directly by mail or by email. If you require alternative means of communication for program information, (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Chad A. Rupe,

Administrator, Rural Utilities Service.

[FR Doc. 2020–21924 Filed 10–2–20; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–839]

Carbazole Violet Pigment 23 From the Republic of India: Final Results of Countervailing Duty Administrative Review; 2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Pidilite Industries Limited (Pidilite) a producer/exporter of carbazole violet pigment 23 (CVP 23) from the Republic of India (India) received countervailable subsidies during the period of review January 1, 2017 through December 31, 2017.

DATES: Applicable October 5, 2020.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this administrative review on February 11, 2020.[1] On April 24, 2020, Commerce exercised its discretion to toll all deadlines in administrative reviews by 50 days.[2] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[3] The deadline for the final results of this review is now September 28, 2020. For a history of all events that occurred since the *Preliminary Results,*

[1] *See Carbazole Violet Pigment 23 from the Republic of India: Preliminary Results of Countervailing Duty Administrative Review; 2017,* 85 FR 7730 (February 11, 2020) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

see the Issues and Decision Memorandum.[4]

Scope of the Order

The merchandise covered by the order is CVP 23 identified as Color Index No. 51319 and Chemical Abstract No. 6358–30–1, with the chemical name of *diindolo [3,2-b:3',2'-m] triphenodioxazine, 8,18-dichloro-5,15-diethy-5,15-dihydro-,* and molecular formula of $C_{34}H_{22}Cl_2N_4O_2$.[5] For a complete description of the scope of the order, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content. A list of the issues raised by interested parties, and to which we responded in the Issues and Decision Memorandum, is provided in the appendix to this notice.

Methodology

Commerce conducted this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found to be countervailable, Commerce determines that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[6] For a full description of the methodology underlying Commerce's conclusions, *see* the Issues and Decision Memorandum.

Changes Since the Preliminary Results

Based on the comments received from interested parties, Commerce made no changes to the subsidy rate calculations since the *Preliminary Results.*

Final Results of the Administrative Review

In accordance with 19 CFR 351.221(b)(5), Commerce determines the following net countervailable subsidy rate for Pidilite for the period January 1, 2017 through December 31, 2017:

Company	Subsidy rate (percent) (*ad valorem*)
Pidilite Industries Limited	3.13

Disclosure

Because Commerce made no changes to the subsidy rate calculations since the *Preliminary Results,* there are no further calculations performed to disclose to interested parties in connection with these final results.[7]

Assessment Rate

In accordance with 19 CFR 351.212(b)(2), Commerce intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review, to liquidate shipments of subject merchandise produced and/or exported by Pidilite and entered, or withdrawn from warehouse, for consumption on or after January 1, 2017 through December 31, 2017, at the *ad valorem* assessment rate listed above.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed in these final results will be equal to the subsidy rates established in the final results of this review; (2) for all non-reviewed firms, CBP will continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 28, 2020.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Subsidies Valuation Information
V. Analysis of Programs
VI. Analysis of Comments
Comment 1: Whether Commerce Should Countervail the Duty Drawback Program
Comment 2: Whether Commerce Should Countervail the Export Promotion of Capital Goods Scheme
Comment 3: Whether Commerce Should Countervail the Income Tax Deduction for Research and Development Expenses Program Under Section 35 (2AB) of the Income Tax Act of 1961
VII. Recommendation

[FR Doc. 2020–21965 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Countervailing Duty Administrative Review of Carbazole Violet Pigment 23 from the Republic of Turkey; 2017,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] The bracketed section of the product description, *[3,2-b:3',2'-m],* is not business proprietary information; the brackets are simply part of the chemical nomenclature.

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and 771(5A) of the Act regarding specificity.

[7] In accordance with 19 CFR 351.224(b), Commerce is normally required to disclose calculations performed in connection with the final results of an administrative review within five days of its public announcement or, if there is no public announcement of, within five days after the date of publication of the final results of an administrative review.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Oceanic and Atmospheric Administration

Deprecation of the United States (U.S.) Survey Foot

AGENCY: The National Institute of Standards and Technology and National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice; final determination.

SUMMARY: The National Institute of Standards and Technology (NIST) and the National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), have taken collaborative action to provide national uniformity in the measurement of length. This notice announces the final decision to deprecate use of the ''U.S. survey foot'' on December 31, 2022. Beginning on January 1, 2023, the U.S. survey foot should not be used and will be superseded by the ''international foot'' definition (*i.e.,* 1 foot = 0.3048 meter exactly) in all applications. The international foot is currently used throughout the U.S. for a large majority of applications and is typically referred to as simply the ''foot.'' Over time this terminology will become more prevalent in land surveying and mapping communities. Either the term ''foot'' or ''international foot'' may be used, as required for clarity in technical applications. This notice describes public comments received, along with the plan, resources, training, and other activities provided by NIST and NOAA to assist those affected by this transition.

DATES: Use of the U.S. survey foot will be deprecated on December 31, 2022.

ADDRESSES: All comments submitted in response to the October 17, 2019, **Federal Register** notice request for public comment may be accessed at *https://www.regulations.gov,* docket number NIST–2019–0003, under the ''Enhanced Content'' section of the **Federal Register** web page for that notice. Additional U.S. survey foot deprecation resources are available at *https://www.nist.gov/pml/us-surveyfoot.*

FOR FURTHER INFORMATION CONTACT:

Information on standards development and maintenance: Elizabeth Benham, 301–975–3690, *Elizabeth.Benham@nist.gov.*

Technical and historical information on usage of the foot: Michael Dennis, 240–533–9611, *Michael.Dennis@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Notice of Final Determination

On October 17, 2019, NIST and NOAA published a notice titled ''Deprecation of the United States (U.S.) Survey Foot'' in the **Federal Register** (84 FR 55562). In that notice, NIST and NOAA announced the initial decision to deprecate the U.S. survey foot and to require that its use be discontinued for all applications in the United States, including surveying, mapping, and engineering. The intent of this action is to provide national uniformity of length measurement in an orderly fashion with minimum disruption, correcting a measurement dilemma that has persisted for over 60 years. A notice announcing a 90-day extension of the review and analysis period to address public comments was published in the **Federal Register** (85 FR 41560) on July 10, 2020, and further indicated that the final determination would be published by September 28, 2020.

After December 31, 2022, any data derived from or published as a result of surveying, mapping, or any other activity within the U.S. that is expressed in terms of feet should only be based on the definition of one foot being equal to 0.3048 meter (exactly). This definition was named the ''international foot'' in the 1959 **Federal Register** notice (24 FR 5348) that officially changed the foot definition for the U.S. In 1959, the other foot definition was named the ''U.S. survey foot,'' with the mandate that it be used only for geodetic surveying, and that it be replaced by the international foot definition.

With this notice, the mandate to replace the U.S. survey foot with the international foot definition for all applications has been achieved, and after December 31, 2022, there will be only one approved definition of the foot in the U.S. The preferred term is simply the ''foot,'' which is the name currently used for most applications. When needed to avoid confusion with the U.S. survey foot, use of the term ''international foot'' is an acceptable synonym for ''foot.''

The date of December 31, 2022, was selected to accompany the modernization of the National Spatial Reference System (NSRS) by NOAA's National Geodetic Survey (NGS). The reason for associating the deprecation of the U.S. survey foot with the modernization of the NSRS is that the biggest impact of the uniform adoption of the international foot will be for users of the NSRS, due to very large coordinate values currently given in U.S. survey feet in many areas of the U.S. Impacts related to the change to international feet will be minimized if a transition occurs concurrently with others changes in the NSRS. More details on the relationship between the NSRS and deprecating the U.S. survey foot were provided in the previous notices, and are discussed further later in this notice. This approach provides ample time for the surveying and mapping community to plan for and implement related changes.

Modernization of the NSRS was originally planned to occur in 2022. However, operational, workforce, and other issues have arisen causing NGS to re-evaluate the timing of implementation (see *https://geodesy.noaa.gov/datums/newdatums/delayed-release.shtml* for details). Despite the possibility of delay of the modernization of the NSRS beyond 2022, the planned date of December 31, 2022, for deprecation of the U.S. survey foot will not change and is independent from the NSRS modernization timeline. A benefit of retaining the original date for the deprecation of the U.S. survey foot is that it will ensure that it will occur prior to the rollout of the modernized NSRS. The difference in timelines will have no effect on users of the existing NSRS, because NGS will continue to support the U.S. survey foot for components of the NSRS where it is used now and in the past. In other words, as explained below, to minimize disruption in the use of U.S. survey foot for existing NSRS coordinate systems, the change will apply only to the modernized NSRS.

Comments Received

In the October 17, 2019, notice, NIST and NOAA requested comments from all interested persons on the announced changes by December 2, 2019. Seventy-two comments were received in response to that notice. The comments received, and this final determination, are available online at the ''Regulations.gov'' website (*http://www.regulations.gov*) within Docket No. NIST–2019–0003. The purpose of the solicitation was to announce the initial decision to deprecate the U.S. survey foot and seek public comments to identify unforeseen issues and facilitate a smooth transition to a single definition of the foot. In response, many opinions were expressed in support or opposition. Those comments are summarized here.

Because the solicitation did not directly ask for comments in support of or in opposition to the planned change, an opinion regarding support or opposition was not provided in all of the comments. Of the 72 responses received, 64 (89 percent) offered such an opinion. Thirty-four of those 64 comments (53 percent) expressed support for universal adoption of the international foot. Twenty-one (33 percent) expressed a desire to retain the U.S. survey foot, either for surveying and mapping exclusively, or to replace the international foot for all applications. Nine (14 percent) preferred eliminating both definitions of the foot and instead adopting the meter as the length measurement unit used in surveying and mapping. Additional public feedback from sources outside this public comment process, but related to NGS U.S. survey foot outreach

activities planned as part of this action, were received from a much larger number of people and generally followed the trends described later in this section.

Only four comments were anonymous. Of the 68 commenters who provided their names, 28 also identified one or more organization affiliation. These consisted of at least one state or county government agency in ten states, six professional or business associations, one university, and 13 private companies.

1. Comments in Support of Deprecation

The comments received included statements of support from representatives of state government agencies in eight states (*i.e.,* Arizona, Iowa, Idaho, Kentucky, Maine, Michigan, Pennsylvania, and Washington). No state government expressed opposition to the deprecation of the U.S. survey foot.

The remainder of supportive comments were from individuals, mostly surveyors, who agreed that the U.S. survey foot should be discontinued. About half of these individuals identified either their employer or the organization they represented. The overall theme that emerged from public comments was that discontinuing use of the U.S. survey foot enhances the value and benefit of national uniformity and minimizes opportunities for confusion and unnecessary costs to the users, states, and professionals in the surveying, mapping, and engineering fields. The following comment excerpts exemplify the reasons for supporting the change.

The elimination of the U.S. survey foot is past due, and the best time to implement this change is now, during development of the State Plane Coordinate System of 2022 (SPCS2022) as part of the NSRS modernization. For example:

''We badly need to get rid of this confusing dual definition of feet and join with the other five countries (or at least those that have not fully converted to metric yet) in that 1959 decision to have a single, common definition of the yard [and foot] and pound—the sooner, the better. Let's not allow survey feet as an option for SPCS2022 output, so as to avoid dragging this out years into the future.''

''The U.S. survey foot should be eliminated. Hard to convert to meters and back. A standard international foot will be easier to deal with. With the change in datums in 2022 it is the perfect time to eliminate it. Here in Michigan we use the international foot and it works fine except that some federal agencies report their state plane coordinates in U.S. survey feet. End the confusion I say.''

''Having the country using only one definition of the foot for survey and mapping not only makes good sense, it will [eliminate] the possibility of the unintended error [that] currently happens due to the dual foot definitions. The timing of a single foot standard coinciding with the 2022 readjustment is prudent and well planned.''

According to the U.S. Bureau of Labor Statistics, a large majority of surveyors are employed in the ''Architectural, Engineering, and Related Services'' industry, which includes international, national, regional, and small firms. A substantial number also work for government agencies and in the construction sector. Many surveyors are licensed in more than one state, and large projects often include surveyors and other geospatial professionals from multiple states. The ability to efficiently work in multiple states and across borders increases the scope of revenue. The benefits of having a single definition for the foot for all states are anticipated to outweigh the inconveniences associated with this change. For example:

''I am in strong agreement with this decision. Having worked for a consultant with offices in both U.S. and International foot states, this created real headaches when staff from different offices were working on the same projects.''

''For many years I worked in multiple states and it was clear that many surveyors did not know with which definition of the foot they were working. The confusion was not always evident until there were blunders related to construction elements. These can be costly. I agree with the proposal and say good riddance to the ratio.''

''No one need look any further than the infamous Mars Climate Orbiter failure to understand why this action is vital to eliminating confusion brought about by having multiple choices between systems of measure. While the probe failure resulted from inadvertent confusion between two systems (metric vs U.S.), this issue is even more insidious given once there is an awareness for making a unit conversion the process is further complicated by the ambiguity created when multiple conversion factors are present (International foot vs. U.S. Survey foot in this case). To allow this condition to persist when it is no longer necessary would be considered intentional neglect by any objective standard.''

Many small businesses in the United States will benefit from this change. Although surveyors and other geospatial professionals work for organizations that vary greatly in size, many are independent contractors or consultants who work for small firms or are self-employed. The National Federation of Independent Businesses (NFIB), an advocate of small and independent American business owners, expressed support for the change:

''NFIB [National Federation of Independent Business] is an incorporated nonprofit association with about 300,000 small and independent business members across America. NFIB protects and advances the ability of Americans to own, operate, and grow their businesses and, in particular, ensures that the governments of the United States and the fifty states hear the voice of small business as they formulate public policies. Many businesses, including small businesses, depend upon accurate weights and measures in their commerce. . . The move to a ''foot'' with a single length everywhere and for all purposes in the U.S. will facilitate commerce, public safety, and national defense.''

2. Comments Providing Examples of Errors and Costs

Public comments highlighted significant errors and costs that have resulted from two definitions of the foot in use within the surveying and mapping community. Several comments addressed examples based on their professional experiences:

''I am employed by a commercial contractor working on a government project in which there was confusion about 3 years ago when a simulation program noticeably deviated from real data because one used survey feet and the other used international feet. The time lost to track down the deviation was significant.''

''A roadway alignment is surveyed in international feet using a low distortion projection and laid onto a global image under the assumption the survey is the U.S. foot definition. Locally all alignment points fit well vs. record distance and bearings. However, when cast onto the global image map the roadway alignment is 12 feet north and 45 feet east of the roadway on the image. The roadway construction plans that use global aerial images as a background cannot be completed until the surveyed line work is in coincidence with the global image.''

''I one hundred percent support the deprecation of the U.S. Survey Foot as a unit of measure. Having two ''feet'' has cost my company and countless others untold amounts of lost time due to errors and confusion associated with two separate definitions of the foot.''

Because multiple comments disclosed generic examples of errors and the resulting negative impacts during the notice process, NGS took action to seek additional examples from the stakeholder community to further explore the risk. The action consisted of poll questions asked during webinars and providing an email address specifically for input (*NGS.Feedback@noaa.gov*). A summary of these additional findings is available on the U.S. survey foot website (*https://www.nist.gov/pml/us-surveyfoot*). Multiple organizations and individual surveyors expressed to NGS that they are hesitant to disclose specific projects and the resulting errors because of liability concerns.

For example, one comment included an image from engineering plans showing both definitions of the foot, with the State Plane coordinates in U.S. survey feet redacted, so that it was not possible to determine its actual location. NGS took additional action to clarify this submission, which was further described in subsequent email correspondence:

''[The image is from a] facility drawing for an industrial plant, where the plant coordinates are in international feet yet the State Plane coordinates of the same points on the same plans were in U.S. survey feet. And yet the plant coordinates are forced to be identical to the State Plane coordinates at one location, where the State Plane easting was over 2,600,000 sft, which causes more than 5 feet of positional error.''

3. Comments Dealing With Legacy Infrastructure and Data

Comments highlighted that this measurement unit change is like past changes that dealt with legacy infrastructure and data. With planning and retention of unit conversion factors, as published by NIST, the outcome will be successful. For example:

''Many of our older records and plans will not be impacted by using one definition over another because their projection basis is not global but local and many times completely unknown and irrelevant. There will always be legacy records that use [the] U.S. foot just as there are legacy records that use the chain unit, rod, perch, etc. Those who deal with various units of measure will handle the conversions just as they do now if needed.''

''Ending the use of the U.S. Survey Foot for state plane coordinate systems is long overdue. Definitions and conversion factors need to be clear and concise without ambiguity.''

''The argument some make that deeds from U.S. foot states would need to be translated into international foot distances is weak—there's only 0.01 ft difference in one mile between the two! How many surveyors who make this claim are accounting for the different accuracy/precision of equipment when the original deeds where surveyed or the various measurement errors present in all equipment?''

''I favor the elimination of the Survey foot. I would note that since 1983 USCGS (now NGS) has allowed states to designate whether they use the Survey or International foot in surveying and use in their State Plane Coordinate Systems. The two feet, so close in value, cause a lot of confusion.''

4. Comments Regarding Use of the Term ''International Foot'' Versus ''Foot''

Of the 17 public comments that expressed an opinion on the name of the foot after deprecation, 14 favored retaining ''international'' as part of the name, rather than simply calling it the ''foot.'' In all cases, the reason was to avoid confusion between the types of foot, both for legacy and future applications. For example:

''Due to all of the historical data held by Federal, State and local government agencies as well as private firms, I feel it will be a mistake to refer to the International Foot as simply Foot. There is already a problem with GIS professionals as well as surveyors not documenting datums and units for projects adequately. By removing the reminder of which foot new data is presented in, it opens up the possibility of further confusion.''

''I believe to avoid confusion that upon deprecating the use of the term U.S. Survey Foot that we go on to use the terminology of International Foot. My reason is people reference the U.S. survey foot as a foot. I think that the use of International Foot will signify a change is being made. I work with legal descriptions in a state that adopted the U.S. Survey Foot and will have to change. If we don't differentiate there will be confusion. My fear is that simply saying you are adopting the foot will not resonate and may lead some to believe that they can continue to use the U.S. Survey Foot. Over time the international foot will be referred to as a foot again but for technical purposes I think that the differentiation is important. At a minimum officially stating the U.S. Survey Foot will be superseded by the international foot will work. People will casually reference it as a foot anyway.''

''To use a term such as ''the foot'' is inconsistent with efforts to minimize ambiguities in Surveying documents. If there is more than one version of something, then which version is being referred to should be made clear.''

5. Comments Supporting Use of the Metric System

The initial request for public comment noted that states currently have the option to select the International System of Units (SI), commonly known as the metric system, option for surveying and mapping; NGS adopted the metric system in 1977 (54 FR 25318). Although the notice did not request public input regarding state adoption of the metric option for surveying and mapping, several comments expressed this preference. For example:

''Rather than deprecating the U.S. Survey foot, I would rather see the United States deprecate the use of the foot altogether for survey measurements and adopt the meter as the unit of measure.''

''The native measurement unit used by modern land surveying equipment is the meter. Additional software is required to deal with our two archaic units of measurement. On December 31, 2022 the foot, in all of its iterations, should be relegated to legacy status.''

6. Comments Opposing Deprecation

A minority of public comments expressed opposition to the change and identified several concerns that will be addressed in the deprecation process. The two primary reasons given for supporting retention of the U.S. survey foot were that a large amount of legacy data and records in that unit already exist, and that a majority of states have legislated or otherwise adopted it for surveying.

Some opposing comments cited erroneous or misleading information, or made claims for which no supporting evidence was provided, such as conflating the change with conversion to the metric system; stating that the U.S. survey foot has always been used for defining boundaries in the U.S.; that adopting the international foot would jeopardize rights to real property; that the change would be a financial burden; and that it creates a problem where none exists.

All comments opposed to the change were from individuals, except for one trade association, the International Association of Oil and Gas Producers (IOGP). The IOGP represents 83 member organizations that include energy corporations and related associations. Writing on behalf of its U.S. members, IOGP advocated to instead adopt the U.S. survey foot nationwide, because of its widespread current and historic use in the surveying community.

Considered collectively, the opposing comments recommended to instead pursue one of the following three alternatives: 1) keep the current approach, where each state chooses its preferred definition of the foot; 2) adopt the U.S. survey foot for all geospatial applications, and the international foot for everything else; and 3) deprecate the international foot and use the U.S. survey foot for everything. These alternatives, together with the reasons given for opposing adoption of the international foot, are addressed later in this notice.

Supplemental Feedback

During planned outreach efforts, described in the October 17, 2019, notice, additional stakeholder feedback was received. NGS presented two webinars on deprecating the U.S. survey foot. The first was on April 25, 2019, ''Fate of the U.S. Survey Foot after 2022: A Conversation with NGS,'' and the second was on December 12, 2019, ''Putting the Best 'Foot' Forward: Ending the Era of the U.S. Survey Foot.'' Both webinars were recorded and are available for download (*https://geodesy.noaa.gov/web/science_edu/webinar_series/2019-webinars.shtml*), together with the companion slides. The webinars provided an overview of the history of the survey foot, discussed examples of problems encountered, summarized the public comments

received in response to the previous **Federal Register** notice, and discussed charting a path forward as part of modernizing the NSRS.

Significant feedback occurred during the two NGS webinar events, which were attended by nearly 1,400 unique participants from every state, the District of Columbia, Puerto Rico, Guam, and Canada. Webinar polls reinforced the public comments obtained through the notice process. Figures 1 through 4 summarize feedback from the public comment process, webinar participants, and emails sent directly to NGS and NIST (with the number from each source given in the figures). Figure 1 reveals that about twice as many of the 540 respondents (63 versus 33 percent) have experienced problems due to the existence of the two definitions of the foot. This is a striking result that illustrates the impact of this problem.

In terms of solving the foot confusion problem, Figure 2 shows that a much larger proportion (58 percent of 730 respondents) prefer adopting the international foot, compared to 20 percent in favor of keeping the U.S. survey foot, which is slightly less than the number who prefer using meters (22 percent).

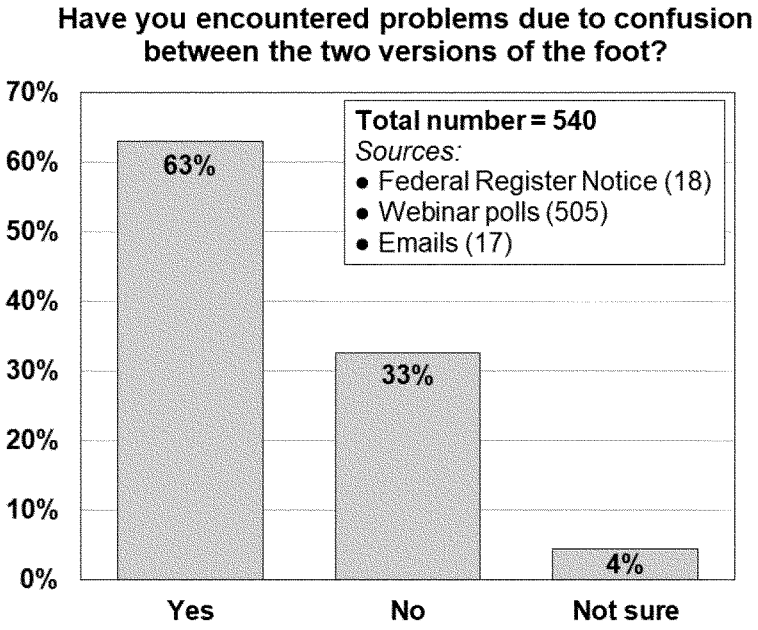

Figure 1. Feedback indicates many have experienced some negative impact from the use of two definitions for the foot.

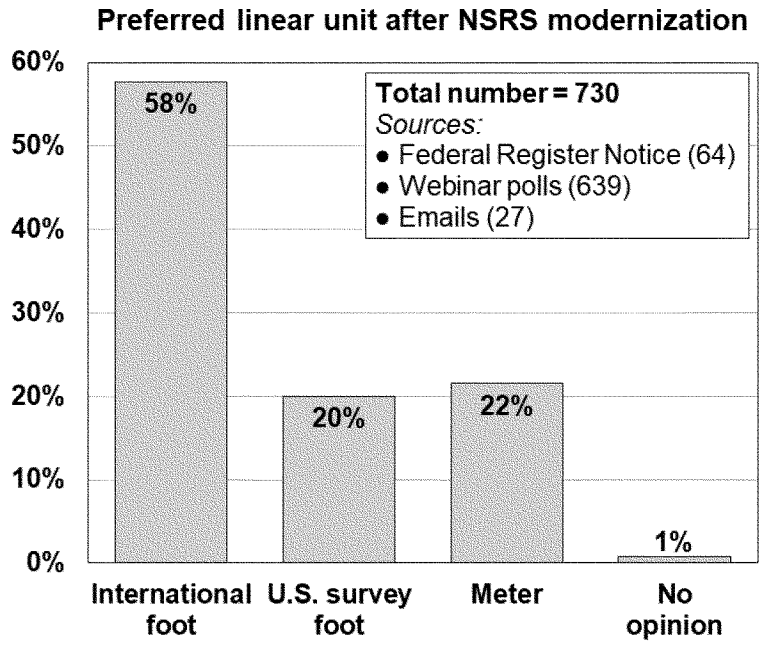

Figure 2. Feedback supports adoption of the international foot after the NSRS modernization is implemented.

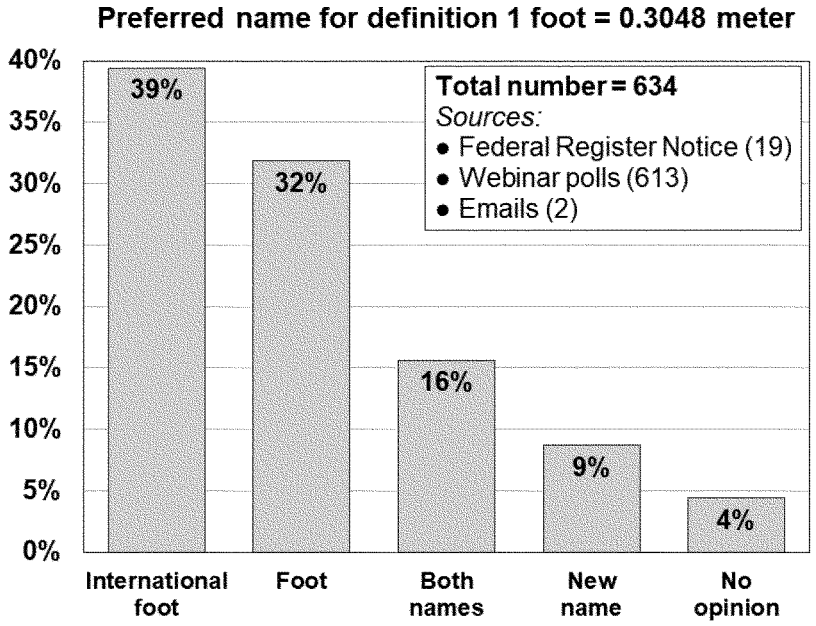

Figure 3. Feedback reinforces that use of the term international foot is strongly supported.

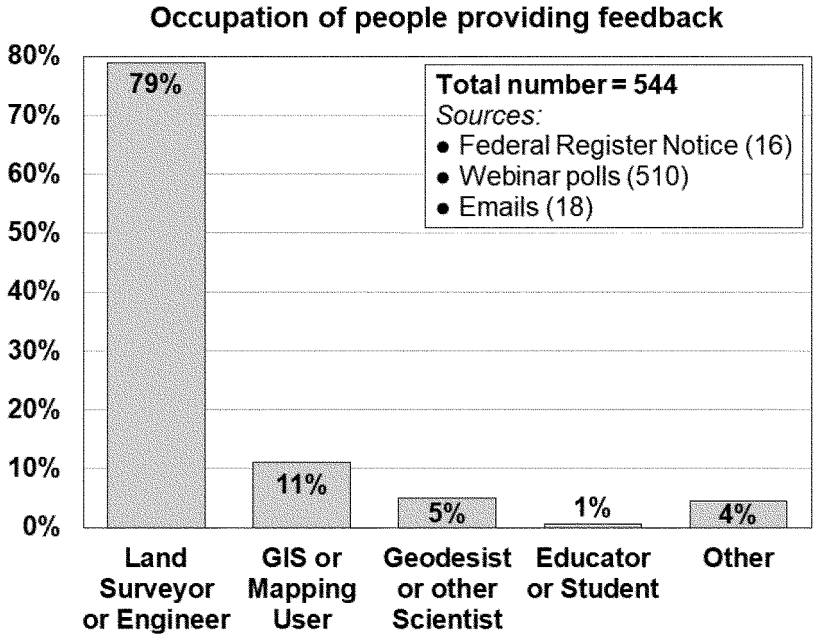

Figure 4. Land Surveyors and engineers were well represented in the process.

When respondents were asked which name they prefer for the foot after deprecation, 39 percent of the 634 respondents preferred retaining the name ''international foot'' as shown in Figure 3, rather than just ''foot'' (32 percent), or allowing the use of both names (16 percent). Only a small proportion (9 percent) felt that an entirely new name should be used. Combining the preference for the name ''foot'' and allowing both names represents 48 percent of the responses. There is nonetheless a large number who prefer keeping the modifier ''international.''

Preference for the name ''international foot'' in the future is explained to a large extent by Figure 4, which summarizes the occupations of the people providing feedback. A large majority are in the category of ''land surveyor or engineer'' (79 percent of 544 respondents), with the next largest group in the ''GIS or mapping user'' category (11 percent). Land surveyors, civil engineers, mappers, and geographic information system (GIS) professionals are typically familiar with the existence of these two definitions of the foot.

The high representation of engineers, GIS professionals, mappers, and especially surveyors also helps explain the large proportion of respondents who have experienced problems with the two definitions of the foot, as shown in Figure 1. This illustrates that NGS outreach webinar participants were highly representative of the stakeholder community.

The primary objective of seeking public comment was to get input on the process of implementing the change, not whether to make the change. To that end, valuable feedback was received regarding continued use of the name ''international foot'' after deprecation, rather than simply the ''foot.'' This input made a difference and was incorporated into the final determination. Considering all feedback received, a significant majority of commenters and webinar participants support deprecation of the U.S. survey foot and its replacement with the international foot definition. This is a noteworthy result because a majority of states currently use the U.S. survey foot for surveying and mapping. Receiving strong support for deprecating the U.S. survey foot reinforces the importance of undertaking this process.

National and State Action Supporting U.S. Survey Foot Deprecation

Surveyors are by far the most affected by a change in the foot definition, so obtaining support and input from national surveying organizations was an important part of the deprecation process. The National Society of Professional Surveyors (NSPS) and the Utility Engineering and Surveying Institute (UESI) of the American Society of Civil Engineers (ASCE) are nationwide organizations with a robust presence in the surveying profession.

Although these organizations did not provide input during the public comment period, they subsequently stated support for adopting the international foot definition for all applications throughout the United States (*https://www.nist.gov/pml/us-surveyfoot*). NSPS has 15,000 members and is affiliated with state surveying associations in every state, the District of Columbia, and Puerto Rico. UESI is an institute of 3,300 members within ASCE (with a total of 150,000 members). The UESI President expressed that:

> ''UESI believes that having a single definition for the foot will reduce confusion in surveying engineering projects, especially projects that make use of coordinates with large values (*e.g.,* the State Plane Coordinate System). Deprecating the U.S. survey foot will minimize costly mistakes that have occurred over the decades due to the confusion of having two definitions for the foot.''

The American Association for Geodetic Surveying (AAGS) is a national surveying organization with 150 members that provided input through the public comment process. AAGS took a neutral stance and did not endorse either definition of the foot but instead endorsed use of the meter.

Because many states have specified the U.S. survey foot for surveying applications in statute, it is noteworthy that two such states have already adopted the international foot in new legislation: Kentucky and Washington. For both states, the legislation went into effect this year (2020). The early and proactive action by these states has prepared them to switch to the international foot definition when the NSRS modernization goes into effect.

Counterpoints to Feedback Expressing Opposition

As discussed in the comments section of this notice, some of the public responses to the October 17, 2019, notice opposed deprecating the U.S. survey foot. Mitigating actions and supporting explanations are summarized below that address the concerns expressed in the opposing comments. More details are available on the NIST U.S. survey foot website (*https://www.nist.gov/pml/us-surveyfoot*).

1. *Association of the change with NSRS modernization.* To minimize disruption in the use of U.S. survey feet for existing NSRS coordinate systems, the change will apply only to the modernized NSRS. This will help with management of the large body of existing data and applications based on U.S. survey feet, because only the international foot definition will be available after modernization. Therefore, knowing the coordinate system will implicitly identify the type of foot. Although implementation of NSRS modernization will likely occur after the deprecation date of December 31, 2022, the difference in timelines will have no effect on use of the U.S. survey foot for the existing NSRS, as described in the next item.

2. *Continued support of the U.S. survey foot for historical and legacy applications.* Support for the U.S. survey foot will be maintained in NGS products and services where its use is already defined, most notably for existing and previous versions of State Plane. Such tools will help users of legacy datasets, as described in the previous item.

3. *Uniformity for all users of the U.S. customary system.* Although surveyors in most states use the U.S. survey foot, they represent a small proportion of usage within the U.S. As announced in 1959 (24 FR 5348), the international foot definition is required for all other users of the U.S. customary system of measurement. Adopting a single definition of the foot will ensure consistency for all applications, as intended in the 1959 notice and required for uniform standards of measure.

4. *Reduction in errors.* A uniform nationwide definition of the foot will reduce errors due to accidental usage of the wrong foot definition. Numerous examples of such errors were provided during the outreach conducted for this notice, and about twice as many respondents said it has caused them problems than said it has not (see Figure 1). Operating with two definitions of the foot leads to a systematic overhead cost that never ends because of the ever-present risk for mistakes. Over time, deprecation of the U.S. survey foot will reduce costs in this field of measurement.

5. *No evidence of negative effects for real property.* Some feedback included claims that deprecating the U.S. survey foot would increase costs and mistakes in performing boundary surveys and would burden the conveyance and enjoyment of real property. However, no evidence was provided in support of this claim. In contrast, six states changed from the U.S. survey foot to the international foot in the late 1980s and early 1990s. None provided evidence, anecdotal or otherwise, of any such negative impacts. This is expected, since the 2 parts per million difference in length (approximately 0.01 foot per mile) is too small to be of practical consequence for the vast majority of boundary determinations.

6. *This change is not comparable to adoption of the metric system (SI).* Some responses cited previous purportedly unsuccessful and disruptive attempts to migrate to SI as a reason not to pursue this change, but this analogy is weak. Universal adoption of the international foot definition is not a change in the unit of measure. Other than for surveying, the international foot is already in use for nearly all applications where the U.S. customary system of measurement is used. This change is instead a long overdue standardization of the foot through deprecation of an older definition used only for a specific application, as intended in the 1959 notice.

Some of the comments expressing opposition to the change included proposals for one of three alternatives to deprecating the U.S. survey foot, each of which is addressed below.

1. *Define the NSRS only using the metric system (SI) and allow each state to choose its preferred foot definition.* This alternative is a continuation of what is already being done, which has clearly led to confusion and errors and is at odds with the objective of uniform standards.

2. *Adopt the U.S. survey foot nationwide for all geospatial applications, and the international foot for everything else.* This alternative was also proposed in a 1988 notice (53 FR 27213) but never adopted. In addition to conflicting with the intent of uniform standards, this alternative would be extremely difficult, and perhaps impossible, to apply in practice. It would require that data and activities be classified as to whether they are ''geospatial,'' which is a problematic and subjective task, given the ambiguity of such categorization in many instances. This problem is compounded for data and activities that change over time, or that are integrated together such that some parts are classified as geospatial and some are not. The task of classification itself would place a burden (cost) on participants and increase risk due to errors, disagreements, and inconsistencies.

3. *Deprecate the international foot and instead use the U.S. survey foot for everything.* This alternative is not viable because the international foot definition is the long-established standard for the foot (since 1959). In addition, the international foot is well established and in widespread use within the U.S. economy by a large majority of the population.

Transition Best Practices and Change Management Planning

Because the U.S. survey foot is specified for surveying activities in statute for most states, an important part of the implementation process is updating statutes. NSPS, AAGS, and NGS have collaborated to create template legislation to aid state adoption and transition to the international foot. State government stakeholders are encouraged to review and customize the language, as needed. These legislative resources are available online, including statutory text that has already been proposed or enacted by states (*https://www.ngs.noaa.gov/datums/newdatums/GetPrepared.shtml*).

In researching and developing the U.S. survey foot deprecation action plan, no government or professional organization reported initiating plans or establishing working groups specifically to address deprecation of the U.S. survey foot. However, many groups have organized groups to prepare for the NSRS modernization, especially at the state level. These groups typically consist of state departments of transportation, GIS or cartographer offices, professional surveying societies, universities, and other geospatial groups. There has also been considerable activity among national organizations and federal agencies (as illustrated by the example in the following paragraph). From the perspective of these various groups, adoption of the international foot is but one relatively small part of the many changes that will occur with NSRS modernization. Therefore, they are bundling multiple technical issues together as a single change management task.

The activities underway throughout the U.S. in planning for NSRS modernization are too numerous to report here. As an example, NGS solicited input for development of SPCS2022. Formal requests and proposals regarding SPCS2022 were received from about 200 different stakeholder groups in 41 states, and additional requests were received from several federal agencies (*e.g.,* U.S. Geological Survey, National Park Service, U.S. Bureau of Reclamation) and an American Indian tribe (the Navajo Nation). Importantly, these requests and proposals directly reference current NGS Policy, which states that only the international foot will be supported for SPCS2022 (and all other components of the modernized NSRS). Therefore, all of the organizations providing these submittals are also taking action on deprecation of the U.S. survey foot, since it is an explicit part of NSRS modernization. This demonstrates a high level of national engagement, which bodes well for a smooth transition to the international foot as part of implementing the modernized NSRS.

Planning for the change early will minimize unnecessary cost and reduce complications and uncertainty. One factor reducing the uncertainty is the fact that this change has already occurred in six ''early adopter'' states (*i.e.,* Arizona, Michigan, Montana, North Dakota, Oregon, and South Carolina). These states made the change from the U.S. survey foot to the international foot in the late 1980s and early 1990s. As with the future change described in this notice, this previous one was associated with a change in the NSRS, and for the same reason: To minimize disruption by combining the changes. NGS and NIST have contacted these states to identify problems encountered, best practices, and lessons learned as part of that transition.

Based on the state responses received so far, the change was efficiently managed in the same manner as recommended now, by combining the change in the foot definition with the change of the NSRS. Statute changes were also enacted by the ''early adopter'' states to specify the international foot. However, ongoing problems with the wrong definition of the foot being used were reported, usually by surveyors from other states still using the U.S. survey foot. The fact that such problems continued to occur reinforces the need to uniformly adopt this change. As more feedback is received, it will be added to the U.S. survey foot website (*https://www.nist.gov/pml/us-surveyfoot*).

A significant part of the input received concerned the name to use for the foot after deprecation. The October 17, 2019, notice stated that the international foot definition would be referred to as simply the ''foot.'' A large proportion of feedback preferred retaining the name ''international feet'' (see Figure 3 and the associated discussion). However, a somewhat larger proportion preferred either ''foot'' or both names. In addition, the NSPS Directors voted to use the term ''foot,'' and UESI also implied that the term ''foot'' was acceptable. Finally, a large majority of people in the U.S. only use the term ''foot'' for the international foot, in both casual and technical contexts, with most being unaware that the U.S. survey foot definition exists.

Nonetheless, it is completely understandable that many surveyors prefer to retain the name ''international foot,'' since they must deal with both definitions of the foot even after deprecation and implementation of the modernized NSRS. Although the use of the U.S. survey foot will diminish over time, it will be present for the foreseeable future because of legacy data and records, and with it the risk for confusion. For that reason, NIST and NOAA recommend continued use of the term ''international foot'' in situations where such ambiguity is possible.

States may choose the measurement unit for mapping (metric or ''foot'') appropriate for their needs. Since the publication of the October 17, 2019, notice, two states (*i.e.,* Kentucky and Washington) have specified the international foot definition for SPCS2022 and related surveying activities. Kentucky continues to use the term ''international foot'' in its new statute, together with the numerical definition. In part, this is because the statute also includes the U.S. survey foot, since it is associated with State Plane prior to SPCS2022. In contrast, the new Washington statute makes no mention of prior State Plane and does not include the word ''international.'' Instead it says, ''[w]hen the values are expressed in feet, one foot equals 0.3048 meters, must be used as the standard foot. . . .'' The language in the Washington statute is similar to the previously mentioned template legislation, which says, ''[w]hen the values are expressed in feet, a definition of 1 foot = 0.3048 meter exactly must be used.'' As these examples show, the wording and terminology used in legislation will depend on each state's specific situation and preferences. The paramount objective should be to avoid ambiguity and achieve national uniformity.

Implementation Summary and Actions

NIST and NOAA will implement deprecation of the U.S. survey foot as described in the October 17, 2019, notice. The change will enter into force on December 31, 2022. This decision will allow adoption of a single, uniform definition of the foot for all applications throughout the United States. Uniformity in measurement will increase efficiency and reduce errors that occur when two nearly identical definitions of the foot are in current use. As shown by the public comments received, such problems are both common and costly. Moreover, a significant majority of input expressed approval of this change, and most of the input was received from the groups most affected (*i.e.,* surveyors and engineers). In addition, NIST and NOAA note that the benefits of the change outweigh the temporary inconveniences, such as the existence of a large amount of data and records in U.S. survey feet, and the current dominance of its use in the surveying profession. These concerns will be mitigated by the actions described in this notice. Other concerns were based in misconceptions or lacked supporting evidence, as discussed previously.

In keeping with the terms of this notice, the U.S. survey foot will not be supported by NGS in the modernized NSRS, including for SPCS2022, elevations, or any other components of the system. Nevertheless, action will be taken by NGS to mitigate disruption caused by this change. Chief among those is that the U.S. survey foot will be maintained in NGS products and services in legacy applications, for example the computation of coordinates in States where it was specified for the State Plane Coordinate System of 1983, and for all zones of the State Plane Coordinate System of 1927.

Although the International System of Units (SI) is the preferred measurement system for trade and commerce in the United States, U.S. trade practice may continue to use non-SI measurement units, such as the U.S. customary system of measurement. Accordingly, NIST is adopting the proposed changes regarding deprecation of the U.S. survey foot and replacement with the international foot definition for all applications of the U.S. customary system of measurement in the U.S. The relationship between SI length measurement units and the U.S. survey foot and associated non-SI units will be incorporated in the upcoming edition of NIST Special Publication (SP) 811, *Guide for the Use of the International System of Units (SI)* before December

31, 2022. The preferred measurement unit of length is the meter, and surveyors, map makers, and engineers are encouraged to adopt the SI for their work. NIST recognizes that the foot and its derivative measures are in widespread use, and therefore NIST SP 811 will provide clarifying technical guidance regarding the foot and other non-SI length measurement units.

Past editions of NIST SP 811 and other NIST publications provided relationships for several traditional linear units that were based only on the U.S. survey foot. Table 1 provides the exact foot definitions for these units. Of the units listed, only the foot itself, the mile, and the square mile also had international foot definitions in previous editions of NIST SP 811 and other NIST publications. Future editions will include international foot definitions for all of these traditional linear units.

Table 1 gives conversions to meters for both foot definitions, which are exact for the international foot and approximate for the U.S. survey foot. Although U.S. survey foot conversions are included, their use should be avoided after December 31, 2022, other than for historic and legacy applications.

The foot-based units in Table 1 have traditionally been used for land measurement and surveying, except for the cable's length and fathom (used for water depth). Maintaining these exact foot relationships to the international foot definition is essential, because at least some of these units are still widely used in surveying practice (such as the acre and chain), and that usage will continue as long as the foot is used. In addition, these units have also been computed using the international foot since the late 1980s in those areas where the international foot was adopted. For these traditional measures, the difference between the two types of feet is usually of negligible consequence in most practical applications. For example, the greatest precision typically used for the chain in modern land surveying practice is three decimal places (or 0.1 link), and at that level of significance both definitions of the foot give the same value. Similarly, the difference in area for 1 acre is only 0.000 004 acre (about 0.17 ft^2 or 25 square inches) for the two definitions of the foot. Nonetheless, from a metrological perspective, documenting the formal definitions based on the international foot is essential to avoid ambiguity, hence their inclusion in this notice and future editions of NIST SP 811.

TABLE 1—EXACT RELATIONSHIPS FOR UNITS OF MEASURE BASED ON THE FOOT, INCLUDING EXACT CONVERSIONS TO METERS FOR THE INTERNATIONAL FOOT AND APPROXIMATE CONVERSIONS TO METERS FOR THE U.S. SURVEY FOOT, AS WILL BE PUBLISHED IN THE 2020 EDITION OF NIST SP 811, GUIDE FOR THE USE OF THE INTERNATIONAL SYSTEM OF UNITS (SI). EXCEPT FOR THE MILE AND SQUARE MILE, THESE UNITS WERE PREVIOUSLY ONLY DEFINED WITH THE U.S. SURVEY FOOT

Units based on the foot	Unit type	Exact U.S. customary definitions based on the foot, plus other exact definitions	International foot metric equivalent (exact)	U.S. survey foot metric equivalent (approximate)
foot (ft)	length	Defined with respect to meter	0.3048 m	0.304 800 609 601 m.
cable's length	length	720 ft = 120 fathoms	219.456 m	219.456 438 913 m.
chain (ch)	length	66 ft = 4 rd = 100 li	20.1168 m	20.116 840 234 m.
fathom	length	6 ft	1.8288 m	1.828 803 658 m.
furlong (fur)	length	660 ft = 10 ch = 40 rd	201.168 m	201.168 402 337 m.
league	length	15,840 ft = 3 mi	4828.032 m	4828.041 656 083 m.
link (li)	length	0.66 ft = 0.01 ch	0.201 168 m	0.201 168 402 m.
mile (mi) [a]	length	5280 ft = 8 fur = 80 ch = 320 rd	1609.344 m	1609.347 218 694 m.
rod (rd), pole, perch.	length	16.5 ft = 0.25 ch	5.0292 m	5.029 210 058 m.
acre (ac)	area	43,560 ft^2 = 10 ch^2 = 160 rd^2	4046.856 422 4 m^2	4046.872 609 874 m^2.
square mile (mi^2).	area	27,878,400 ft^2 = 640 ac	2 589 988.110 336 m^2	2 589 998.470 319 521 m^2.
acre-foot	volume	43,560 ft^3	1233.481 837 547 52 m^3	1233.489 238 468 149 m^3.

[a] Also referred to as the "statute mile." Although historically defined using the U.S. survey foot, the statute mile can be defined using either definition of the foot, as is the case for all other units listed in this table. However, use of definitions based on the U.S. survey foot should be avoided after December 31, 2022 except for historic and legacy applications.

Recommendations To Facilitate the Change

NIST and NOAA make the following recommendations to facilitate the orderly transition to a uniform adoption of the definition 1 foot = 0.3048 meter exactly for all applications in the United States:

• *Begin the process now.* States, other government agencies, businesses, private and public organizations, and all others potentially impacted by this change should take immediate steps to begin planning for the transition. Early action is important, since some changes can be time intensive, such as enacting state legislation or updating software, training materials and relevant procedures.

• *Use nationally developed template resources for updating state statutes.* NSPS, AAGS, and NGS have collaborated to create template legislation to aid state adoption and transition to the international foot. Template legislation and examples of actual statutes are available for download at *https://geodesy.noaa.gov/datums/newdatums/GetPrepared.shtml.* State government stakeholders are encouraged to review and customize the language in this template and these examples, as needed.

• *Consult the current edition of NIST SP 811 for updating software and publications.* NIST SP 811 is the authoritative source for exact and appropriate unit conversion factors. As part of preparing for implementation of this change, software developers and others who perform conversions should consult and use the current edition of NIST SP 811 to ensure the correct definitions are being used.

• *Use the foot name most appropriate to your needs.* Confusion may occur when comparing modern measurements with historical records that use legacy terminology, or any other situation where it can be unclear as to which

definition of the foot was used. To minimize such ambiguity and prevent misunderstandings, NIST and NOAA recommend using the term ''international foot'' or specifically identifying the metric conversion of 1 foot = 0.3048 m exactly.

• *Always document the units used for quantitative work.* Complete and correct documentation of measurement units is an essential part of any quantitative work. It is particularly important for situations where confusion can occur, such as between the U.S. survey and international foot definitions.

• *Use consistent abbreviations for the types of foot.* Following deprecation, the standard lowercase abbreviation ''ft'' will refer to the international foot definition by default. Likewise, the abbreviations in Table 1 for all units derived from the foot will also be based on the international foot definition. Although absence of a prefix indicates an international foot definition, situations will occur where an abbreviation that clearly identifies the foot definition is necessary to avoid confusion, such as in surveying and mapping. In such cases, the abbreviation for the international foot definition should be preceded by a lower case ''i'' as ''ift'' to ensure clarity. The abbreviation for the U.S. survey foot should *always* be preceded by a lower case ''s'' as ''sft'' for all applications. For abbreviation of units derived from the U.S. survey foot, the ''s'' prefix should be used as needed to avoid confusion, for example ''smi'' for mile, ''sch'' for chain, and ''sac'' for acre. However, this may not be necessary if the type of foot is obvious from the context or is otherwise clearly documented.

• *Avoid use of the terms ''Imperial'' or ''British'' to describe the U.S. customary system.* In common parlance, the terms ''Imperial'' or ''British'' are often used to represent the traditional units used within the U.S; however, because there are significant differences between many of these traditional measurement systems, NIST recommends use of the term ''U.S. customary system of measurement'' to describe the collection of non-SI measurement units currently used in the U.S. This parlance is frequently incorrectly employed in software, on websites, and in publications. To further eliminate this common misunderstanding between U.S. customary measurement units and British and Imperial units, additional explanation of the differences are provided in NIST Handbook (HB) 44, ''Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,'' Appendix B, ''Units and Systems of Measurement'' (*https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/other-nist-handbooks/other-nist-handbooks-2-2*).

Implementing these recommendations, together with other mitigating actions being taken by NIST and NOAA, will facilitate the smooth transition and nationwide adoption of the international foot with minimal disruption. Additional resources providing greater detail about the history of the foot, problems encountered by having two definitions of the foot, and the benefits of making this change are available on the NIST U.S. survey foot website (*https://www.nist.gov/pml/us-surveyfoot*).

Authority: 15 U.S.C. 272(b) & (c).

Nicole R. LeBoeuf,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service.

Kevin A. Kimball,

Chief of Staff, National Institute of Standards and Technology.

[FR Doc. 2020–21902 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA538]

Meeting of the Marine Fisheries Advisory Committee

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will hear a presentation and consider approval of the final report of the Phase 2 work of the Columbia Basin Partnership Task Force and other topics including aquaculture and the Executive Order Promoting American Seafood competitiveness and Economic Growth, marine heatwaves, FY2021 budget, COVID–19 impacts on agency operations, and work of the Recreational Fisheries Subcommittee.

DATES: The meeting will be October 20 and 21, 2020 from 12:30–5 p.m., Eastern Time.

ADDRESSES: Meeting is by webinar and teleconference.

FOR FURTHER INFORMATION CONTACT: Heidi Lovett; NOAA Fisheries Office of Policy; (301) 427–8034; email: *Heidi.Lovett@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The MAFAC charter and summaries of prior MAFAC meetings are located online at *https://www.fisheries.noaa.gov/topic/partners#marine-fisheries-advisory-committee-.*

Matters To Be Considered

This meeting time and agenda are subject to change. The meeting is convened to hear presentations and consider approval of the final report of the Phase 2 work of the Columbia Basin Partnership Task Force. MAFAC members will also receive presentations and discuss work of the Recreational Fisheries Subcommittee on better identification of anglers in offshore waters; the FY2021 budget and impacts of COVID–19 on agency operations; Aquaculture Program updates and the Executive Order Promoting American Seafood Competitiveness and Economic Growth; and marine heatwaves and science program activities. MAFAC will discuss various administrative and organizational matters, and meetings of subcommittees will convene.

Time and Date

The meeting is scheduled for October 20 and 21, 2020 from 12:30—5 p.m., Eastern Time by webinar and conference call. Access information for the public will be posted at *https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-meeting-materials-and-summaries* by October 6, 2020.

(Authority: Federal Advisory Committee Act, 5 U.S.C. App. 2)

Dated: September 30, 2020.

Jennifer L. Lukens,

Federal Program Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2020–21948 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA254]

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Proposed Issuance of Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) is proposing to issue permits to authorize the incidental, but not intentional, take of specific Endangered Species Act (ESA)-listed marine mammal species or stocks under the Marine Mammal Protection Act (MMPA), in certain U.S. commercial fisheries.

DATES: Comments on this action and supporting documents must be received by November 4, 2020.

ADDRESSES: You may submit comments on the proposed permits and the preliminary determinations supporting the permits, identified by NOAA–NMFS–2020–0096, through the Federal e-Rulemaking Portal:

1. Go to *https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0096*.
2. Click the ''Comment Now!'' icon, and complete the required fields.
3. Enter or attach your comments.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the end of the comment period. Due to delays in processing mail related to COVID–19 and health and safety concerns, no mail, courier, or hand deliveries will be accepted. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

The preliminary determinations supporting the permits are available on the internet at *https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0096*. Other supporting information is available on the internet including: recovery plans for the ESA-listed marine mammal species, *https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act*; 2020 MMPA List of Fisheries, *https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables*; the most recent Marine Mammal Stock Assessment Reports by region, *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region,* and stock, *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-species-stock*; and Take Reduction Teams and Plans, *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams*.

FOR FURTHER INFORMATION CONTACT: Suzie Teerlink, NMFS Alaska Region, (907) 586–7240, *Suzie.Teerlink@noaa.gov*; Diana Kramer, NMFS Pacific Islands Region, (808) 725–5167, *Diana.Kramer@noaa.gov*; Kara Shervanick, NMFS Southeast Region, (727) 824–5350, *Kara.Shervanick@noaa.gov*; or Caroline Good, NMFS Office of Protected Resources, (301) 427–8402, *Caroline.Good@noaa.gov*.

SUPPLEMENTARY INFORMATION: The MMPA requires NMFS to authorize the incidental take of ESA-listed marine mammals in commercial fisheries provided it can make the following determinations: (1) The incidental mortality and serious injury (M/SI) from commercial fisheries will have a negligible impact on the affected species or stocks; (2) a recovery plan for all affected species or stocks of threatened or endangered marine mammals has been developed or is being developed; and (3) where required under MMPA section 118, a take reduction plan has been developed or is being developed, a monitoring program is implemented, and vessels participating in the fishery are registered. We have made a preliminary determination that certain commercial fisheries meet these three requirements and propose to issue permits to these fisheries to authorize the incidental take of ESA-listed marine mammal species or stocks under the MMPA for a period of three years. We solicit public comments on the proposed issuance of these permits and the underlying preliminary determinations. We are also providing a preliminary list of commercial fisheries that, based on their level of M/SI of ESA-listed marine mammal species, do not require authorization under MMPA 101(a)(5)(E) so long as any incidental mortality or injury is reported.

Background

The MMPA List of Fisheries (LOF) classifies each commercial fishery as a Category I, II, or III fishery based on the level of mortality and injury of marine mammals occurring incidental to each fishery as defined in 50 CFR 229.2. Category I and II fisheries must register with NMFS and are subsequently authorized to incidentally take marine mammals during commercial fishing operations. However, that authorization is limited to those marine mammals that are not listed as threatened or endangered under the ESA. Section 101(a)(5)(E) of the MMPA, 16 U.S.C. 1371, states that NMFS, as delegated by the Secretary of Commerce, for a period of up to three years shall allow the incidental, but not intentional, taking of marine mammal stocks designated as depleted because of their listing as an endangered species or threatened species under the ESA, 16 U.S.C. 1531 *et seq.,* by persons using vessels of the United States and those vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1824(b), while engaging in commercial fishing operations, if NMFS makes certain determinations. NMFS must determine, after notice and opportunity for public comment, that: (1) Incidental M/SI from commercial fisheries will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock under the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with section 118 of the MMPA, and a take reduction plan has been developed or is being developed for such species or stock.

The LOF includes a list of marine mammal species or stocks incidentally killed or injured in each commercial fishery. We evaluated ESA-listed stocks or species documented on the 2020 MMPA LOF as killed or seriously injured following NMFS' Procedural Directive 02–238 ''Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals.'' Based on this evaluation, we propose to

issue permits under MMPA section 101(a)(5)(E) to vessels registered in five Category I or Category II commercial fisheries, as classified on the final 2020 MMPA LOF, to incidentally kill or seriously injure individuals from specific ESA-listed marine mammal stocks, as listed in Table 1 below.

TABLE 1—LIST OF COMMERCIAL FISHERIES AUTHORIZED TO TAKE (M/SI) SPECIFIC THREATENED AND ENDANGERED MARINE MAMMALS INCIDENTAL TO FISHING OPERATIONS

Commercial fishery	LOF category	ESA-listed marine mammal stock
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline.	I	Sperm whale, Northern Gulf of Mexico.
HI deep-set longline/Western Pacific pelagic longline (HI deep-set component).	I	False killer whale, Main HI Islands Insular Humpback whale, Central North Pacific.
AK Bering Sea, Aleutian Islands flatfish trawl	II	Bearded seal, Alaska Humpback whale, Western North Pacific Ringed seal, Alaska Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands pollock trawl	II	Bearded seal, Alaska Humpback whale, Central North Pacific Steller sea lion, Western U.S.
AK Gulf of Alaska, sablefish longline	II	Sperm whale, North Pacific.

Category III fisheries are those commercial fisheries that have a remote likelihood of or no known incidental mortality or serious injury of marine mammals (MMPA section 118(c)(1)(A)(iii)). All commercial fisheries classified as Category III on the most current LOF do not require MMPA 101(a)(5)(E) authorization, so long as any mortality or injury of marine mammals incidental to their operations is reported pursuant to MMPA section 118(e). Furthermore, per NMFS' Procedural Directive 02–204–02 (procedural directive), ''Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E)'' (NMFS 2020), NMFS considers such Category III fisheries to have a negligible impact on that marine mammal stock or species.

Thus, we incorporate by reference all Category III fisheries included in the 2020 MMPA LOF (85 FR 21079, April 16, 2020) as not subject to the ESA prohibition against incidentally taking marine mammals from endangered or threatened stocks, and not subject to any penalties, provided any mortalities or injures are reported as required under MMPA section 118(e).

In addition, for the purposes of MMPA section 101(a)(5)(E), commercial fisheries classified as Category I or II on the LOF solely because of incidental M/SI of non-ESA-listed marine mammals meet the definition of a Category III commercial fishery with respect to ESA-listed stocks or species because the fishery has a remote likelihood of or no known incidental M/SI of ESA-listed marine mammals. We have determined that the following two Category II commercial fisheries meet this criteria:

- AK Bering Sea, Aleutian Islands Pacific cod longline; and
- HI shallow-set longline/Western Pacific pelagic longline (HI shallow-set component).

These fisheries do not require 101(a)(5)(E) authorization and are not subject to the ESA prohibition against incidentally taking marine mammals from endangered or threatened stocks, and not subject to any penalties, provided any marine mammal mortalities or injuries are reported as required under MMPA section 118(e).

In addition to the commercial fisheries referenced above, NMFS is evaluating other commercial fisheries for purposes of making a negligible impact determination (NID) and anticipates addressing such fisheries in future **Federal Register** notices. More information about the commercial fisheries listed above is available in the 2020 MMPA LOF (85 FR 21079; April 16, 2020) and on the internet at *https://www.fisheries.noaa.gov/national/marine-mammal-protection/list-fisheries-summary-tables*.

Tribal fisheries conducted pursuant to a treaty with the United States are not included on the LOF, and are not subject to the requirements of section 101(a)(5)(E). In the final rule implementing section 118 of the MMPA (60 FR 45086, August 30, 1995), NMFS concluded that treaty tribal fisheries are conducted under the authority of the Indian treaties; the MMPA's requirements in section 118 do not apply to treaty Indian tribal fisheries. In the 2010 final LOF (74 FR 58859, November 16, 2009), NMFS re-evaluated its 1995 conclusion to exempt tribal fisheries from the LOF (60 FR 45086, August 30, 1995) to determine whether it should be changed due to *Anderson* v. *Evans.* NMFS considered, among other things, the public comments received on the proposed 2010 LOF and the 1994 amendments to the MMPA and accompanying legislative history, and determined that *Anderson* v. *Evans* did not alter NMFS' original analysis in the final rule implementing section 118 of the MMPA (60 FR 45086, August 30, 1995). Thus, tribal fisheries are not included on the LOF nor in MMPA 101(a)(5)(E) authorizations. Additional information on NMFS' decision to continue to exclude tribal fisheries from the LOF is provided in the 2010 LOF final rule (74 FR 58859, November 16, 2009). NMFS continues to work on a government-to-government basis with the affected treaty tribal governments to gather data on injuries and mortalities of marine mammals incidental to tribal fisheries.

For each commercial fishery listed in Table 1 above, we reviewed the best available scientific information to determine if the fishery met the three requirements of MMPA 101(a)(5)(E) for issuing a permit. This information is included in the 2020 MMPA LOF (85 FR 21079; April 16, 2020), the Marine Mammal Stock Assessment Reports, recovery plans for these species (available at: *https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act*), and other relevant information, as detailed further in the documents describing the preliminary determinations supporting the permits (available at: *https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0096*).

NMFS is in the process of reviewing humpback whale stock structure under the MMPA in light of the 14 Distinct Population Segments (DPSs) established under the ESA (81 FR 62259, September 8, 2016), based on the recently finalized ''Procedural Directive 02–204–03: Reviewing and Designating Stocks and Issuing Stock Assessment Reports under the Marine Mammal Protection Act'' (NMFS 2019). The DPSs that occur in waters under the jurisdiction of the United States do not align with the

existing MMPA stocks. Some of the listed DPSs partially coincide with the currently defined stocks. Because we cannot manage one portion of an MMPA stock as ESA-listed and another portion of a stock as not ESA-listed, until such time as the MMPA stock delineations are reviewed in light of the DPS designations, NMFS continues to use the existing MMPA stock structure for MMPA management purposes (*e.g.,* selection of a recovery factor, stock status) and treats such stocks as ESA-listed if a component of that stock is listed under the Act and overlaps with the analyzed commercial fishery. NMFS considers humpback whale stock designation a high priority for revision. Once NMFS has completed our review, we will revise humpback whale stock designations in future SARs.

Basis for Determining Negligible Impact

Prior to issuing a permit to take ESA-listed marine mammals incidental to commercial fishing, NMFS must determine if the M/SI incidental to commercial fisheries will have a negligible impact on the affected marine mammal species or stocks. NMFS satisfies this requirement by making a NID. Although the MMPA does not define ''negligible impact,'' NMFS has issued regulations providing a qualitative definition of ''negligible impact,'' defined in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Criteria for Determining Negligible Impact

Through scientific analysis, peer review, and public notice, NMFS developed a quantitative approach for determining negligible impact. We finalized the NMFS Procedural Directive 02–204–02 (directive), ''Criteria for Determining Negligible Impact under MMPA section 101(a)(5)(E),'' effective on June 17, 2020 (NMFS 2020). The procedural directive is available online at: *https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives*. This procedural directive describes a process for determining whether incidental M/SI from commercial fisheries will have a negligible impact on ESA-listed marine mammal species/stocks (the first requirement necessary for issuing an MMPA section 101(a)(5)(E) permit as noted above).

The procedural directive first describes the derivation of two Negligible Impact Thresholds (NIT), which represent levels of removal from a marine mammal species or stock. The first, Total Negligible Impact Threshold (NIT_t), represents the *total* amount of human-caused M/SI that NMFS considers negligible for a given stock. The second, lower threshold, Single NIT (NIT_s) represents the level of M/SI from a *single commercial fishery* that NMFS considers negligible for a stock. NIT_s was developed in recognition that some stocks may experience non-negligible levels of total human-caused M/SI but one or more individual fisheries may contribute a very small portion of that M/SI, and the effect of an individual fishery may be considered negligible.

The directive describes a detailed process for using these NIT values to conduct a NID analysis for each fishery classified as a Category I or II fishery on the MMPA LOF. The NID process uses a two-tiered analysis. The Tier 1 analysis first compares the total human-caused M/SI for a particular stock to NIT_t. If NIT_t is not exceeded, then all commercial fisheries that kill or seriously injure the stock are determined to have a negligible impact on the particular stock. If NIT_t is exceeded, then the Tier 2 analysis compares each individual fishery's M/SI for a particular stock to NIT_s. If NIT_s is not exceeded, then the commercial fishery is determined to have a negligible impact on that particular stock. For transboundary, migratory stocks, because of the uncertainty regarding the M/SI that occurs outside of U.S. waters, we assume that total M/SI exceeds NITt and proceed directly to the Tier 2 NITs analysis. If a commercial fishery has a negligible impact across all ESA-listed stocks, then the first of three findings necessary for issuing an MMPA 101(a)(5)(E) permit to the commercial fishery has been met (*i.e.,* a negligible impact determination). If a commercial fishery has a non-negligible impact on any ESA-listed stock, then NMFS cannot issue an MMPA 101(a)(5)(E) permit for the fishery to incidentally take ESA-listed marine mammals.

These criteria rely on the best available scientific information, including estimates of a stock's minimum population size and human-caused M/SI levels, as published in the most recent SARs and other supporting documents, as appropriate. Using these inputs, the quantitative negligible impact thresholds allow for straightforward calculations that lead to clear negligible or non-negligible impact determinations for each commercial fishery analyzed. In rare cases, robust data may be unavailable for a straightforward calculation, and the directive provides instructions for completing alternative calculations or assessments where appropriate.

Negligible Impact Determinations

We evaluated the impact of each commercial fishery (listed in Table 1 above) following the procedural directive, and, based on the best available scientific information, made NIDs. These NID analyses are presented in accompanying MMPA 101(a)(5)(E) determination documents that provide summaries of the information used to evaluate each ESA-listed stock documented on the 2020 MMPA LOF as killed or injured incidental to the fishery. The draft MMPA 101(a)(5)(E) determination documents are available at: *https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0096*. Based on the criteria outlined in the procedural directive, the most recent SARs, and the best available scientific information, NMFS has determined that the M/SI incidental to the five Category I and II commercial fisheries listed in Table 1 will have a negligible impact on the associated ESA-listed marine mammal stocks. Accordingly, this MMPA 101(a)(5)(E) requirement is satisfied for these commercial fisheries.

Recovery Plans

Recovery Plans for the ESA-listed species or stocks listed in Table 1 have either been completed (see *https://www.fisheries.noaa.gov/national/endangered-species-conservation/recovery-species-under-endangered-species-act*) or are being developed. Accordingly, the requirement to have recovery plans in place or being developed is satisfied.

Take Reduction Plans

Subject to available funding, MMPA section 118 requires the development and implementation of a Take Reduction Plan (TRP) for each strategic stock that interacts with a Category I or II fishery. The stocks considered for these permits are designated as strategic stocks under the MMPA because they, or a component of the stocks, are listed as threatened or endangered under the ESA (MMPA section 3(19)(C)).

The short- and long-term goals of a TRP are to reduce M/SI of marine mammals incidental to commercial fishing to levels below the Potential Biological Removal (PBR) level for stocks and to an insignificant threshold, defined by NMFS as 10 percent of PBR, respectively. The obligations to develop and implement a TRP are subject to the availability of funding. MMPA section 118(f)(3) (16 U.S.C. 1387(f)(3)) contains specific priorities for developing TRPs

when funding is insufficient. NMFS has insufficient funding available to simultaneously develop and implement TRPs for all strategic stocks that interact with Category I or Category II fisheries. As provided in MMPA section 118(f)(6)(A) and (f)(7), NMFS uses the most recent SAR and LOF as the basis to determine its priorities for establishing Take Reduction Teams (TRT) and developing TRPs. Information about NMFS' marine mammal TRTs and TRPs may be found at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-take-reduction-plans-and-teams*.

All of the evaluated fisheries listed in Table 1, for the affected marine mammal species or stocks, either have a TRP in place or based on NMFS' priorities, implementation of a TRP is currently deferred under section 118 as other stocks/fisheries are a higher priority for any available funding for establishing new TRPs. Accordingly, the requirement under MMPA section 118 to have TRPs in place or in development is satisfied (see preliminary determinations supporting the permits available on the internet at *https://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0096*).

Monitoring Program

Under MMPA section 118(d), NMFS is to establish a program for monitoring incidental M/SI of marine mammals from commercial fishing operations. Each of the fisheries listed in Table 1 considered for authorization under MMPA section 101(a)(5)(E) is monitored by NMFS fishery observer programs. Accordingly, the requirement under MMPA section 118 to have a monitoring program in place is satisfied.

Vessel Registration

MMPA section 118(c) requires that vessels participating in Category I and II fisheries register to obtain an authorization to take marine mammals incidental to fishing activities. NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program (MMAP), with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Therefore, the requirement for vessel registration is satisfied.

Conclusions for Proposed Permits

Based on the above evaluation for each commercial fishery listed in Table 1 as it relates to the three requirements of MMPA 101(a)(5)(E), we propose to issue MMPA 101(a)(5)(E) permits to the commercial fisheries in Table 1 to authorize the incidental take of ESA-listed species or stocks during commercial fishing operations. If, during the 3-year authorization, there is a significant change in the information or conditions used to support any of these determinations, NMFS will re-evaluate whether to amend or modify that specific authorization, after notice and opportunity for public comment. If the authorization for an individual fishery in Table 1 becomes amended, modified, or invalidated for any reason during the 3-year period, the authorizations for the other commercial fisheries in Table 1 will continue unchanged and effective until the end of the 3-year period. As noted above, under MMPA section 101(a)(5)(E)(ii), no permit is required for vessels in Category III fisheries, or for the Category II commercial fisheries listed above that meet the definition of a Category III commercial fishery with respect to ESA-listed species or stocks, so long as any incidental marine mammal mortality or injury is reported to NMFS pursuant to MMPA section 118(e). NMFS solicits public comments on the proposed permits and the preliminary determinations supporting the permits.

Endangered Species Act Section 7 and National Environmental Policy Act Requirements

ESA section 7(a)(2) requires federal agencies to ensure that actions they authorize, fund, or carry out do not jeopardize the existence of any species listed under the ESA, or destroy or adversely modify designated critical habitat of any ESA-listed species. The effects of these commercial fisheries on ESA-listed marine mammals for which permits are proposed here, were analyzed in the appropriate Fishery Management Plan ESA section 7 Biological Opinions, and incidental take was exempted for those ESA-listed marine mammals for each of these fisheries.

The National Environmental Policy Act (NEPA) requires Federal agencies to evaluate the impacts of alternatives for their actions on the human environment. Because these proposed permits would not modify any fishery operation and the effects of the fishery operations have been evaluated in accordance with NEPA, no additional NEPA analysis beyond that conducted for the associated Fishery Management Plans is required for these permits. Issuing the proposed permits would have no additional impact on the human environment or effects on threatened or endangered species beyond those analyzed in these documents.

References

National Marine Fisheries Service (NMFS). 2020. National Marine Fisheries Service Procedure 02–204–02: Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E). 20 p. Available online: *https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives*.

National Marine Fisheries Service (NMFS). 2019. National Marine Fisheries Service Procedure 02–204–03: Reviewing and designating stocks and issuing Stock Assessment Reports under the Marine Mammal Protection Act. 9 p. Available online: *https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives*.

National Marine Fisheries Service (NMFS). 2016. National Marine Fisheries Service Procedure 02–204–01: Guidelines for preparing stock assessment reports pursuant to the 1994 amendments to the Marine Mammal Protection Act. 23 p. Available online: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/guidelines-assessing-marine-mammal-stocks*.

National Marine Fisheries Service (NMFS). 2014. National Marine Fisheries Service Procedure 02–238–01: Process for Distinguishing Serious from Non-Serious Injury of Marine Mammals. 42 p. Available online: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-protection-act-policies-guidance-and-regulations*.

Dated: September 29, 2020.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2020–21901 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA479]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Atlantic Bluefish Fishery; Withdrawal of Notice of Intent To Prepare Environmental Impact Statement for Amendment 7

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of withdrawal.

SUMMARY: The Mid-Atlantic Fishery Management Council initiated development of Amendment 7 to the

Atlantic Bluefish Fishery Management Plan in late 2017. A notice of intent to develop an environmental impact statement for this action was published in June 2018. However, following a second round of scoping meetings in February and March 2020, it has been determined that the range of proposed alternatives included in this amendment are not expected to have significant impacts on the fishery or affected environment. Therefore, NMFS is withdrawing the notice of intent and will continue development of an environmental assessment instead.

FOR FURTHER INFORMATION CONTACT: Cynthia Ferrio, Fishery Policy Analyst, (978) 281–9180.

SUPPLEMENTARY INFORMATION: In December 2017, the Council initiated a comprehensive amendment to the Bluefish Fishery Management Plan (FMP) to review and update the goals and objectives of this FMP, as well as reevaluate quota allocation and transfer provisions between sectors and states, in light of changing fishery conditions and stakeholder priorities. The Council published a notice of intent to develop an environmental impact statement for this amendment in accordance with the National Environmental Policy Act to analyze the impacts of any proposed management measures (83 FR 26267; June 6, 2018), and held a series of scoping hearings with the Atlantic States Marine Fisheries Commission's Bluefish Board in June and July of 2018. Following this round of scoping, development on the amendment was put on hold until the results of the August 2019 operational stock assessment were available that incorporated revised Marine Recreational Information Program data into its model.

The 2019 assessment determined that the bluefish stock is now overfished although overfishing is not occurring, and at its December 2019 meeting, the Council decided to add the rebuilding plan to Amendment 7. The Council must develop and implement a rebuilding plan within 2 years of notification that a stock is overfished, by the end of November 2021. Following a second round of scoping hearings in February and March 2020, the Council and NMFS have determined that the range of proposed alternatives included in this amendment are not expected to have significant impacts on the fishery or affected environment and that an environmental assessment will be developed. Therefore, this notice announces the Council's withdrawal of the Notice of Intent to Prepare an Environmental Impact Statement for Amendment 7 to the Bluefish FMP. Development of the amendment will continue with an environmental assessment instead.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 29, 2020.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2020–21877 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2020–0047]

Grant of Interim Extension of the Term of U.S. Patent No. 7,259,184; Vernakalant Hydrochloride

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 7,259,184 ('184 patent).

FOR FURTHER INFORMATION CONTACT: Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728 or by email to *raul.tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On July 14, 2020, Correvio International Sàrl, the owner of record of the '184 patent, timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of the '184 patent. The '184 patent claims a method of using the product vernakalant hydrochloride. The application for interim patent term extension indicates that New Drug Application No. 22–034 for vernakalant hydrochloride was submitted to the Food and Drug Administration (FDA) on December 19, 2006, and that the FDA's review thereof is ongoing.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '184 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the original expiration date of the patent, *i.e.,* October 6, 2020, interim extension of the '184 patent's term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 7,259,184 is granted for a period of one year from the original expiration date of the '184 patent.

Robert Bahr,

Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office.

[FR Doc. 2020–21968 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–1630–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2020–0049]

Grant of Interim Extension of the Term of U.S. Patent No. 6,406,699; ECI® (ELIAS Cancer Immunotherapy)

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 6,406,699 ('699 patent).

FOR FURTHER INFORMATION CONTACT: Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728 or by email to *raul.tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent. On August 17, 2020, TVAX Biomedical I, LLC, the owner of record of the '699 patent, timely filed an application under

35 U.S.C. 156(d)(5) for a second interim extension of the term of the '699 patent. The '699 patent claims a method of using a veterinary biological product in the cancer immunotherapy treatment known by the tradename ECI® (ELIAS Cancer Immunotherapy). The application for interim patent term extension indicates that an application for a license for the veterinary biological product was submitted under the Virus-Serum-Toxin Act and is currently undergoing regulatory review by the United States Department of Agriculture, Center for Veterinary Biologics.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '699 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the extended expiration date of the '699 patent, *i.e.,* October 5, 2020, further interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

A second interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 6,406,699 is granted for a period of one year from the extended expiration date of the '699 patent.

Robert Bahr,

Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office.

[FR Doc. 2020–21969 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2020–0048]

Grant of Interim Extension of the Term of U.S. Patent No. 7,524,879; Vernakalant Hydrochloride

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 7,524,879 ('879 patent).

FOR FURTHER INFORMATION CONTACT: Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728 or by email to *raul.tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On July 14, 2020, Correvio International Sàrl, the owner of record of the '879 patent, timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of the '879 patent. The '879 patent claims a method of using the product vernakalant hydrochloride. The application for interim patent term extension indicates that New Drug Application No. 22–034 for vernakalant hydrochloride was submitted to the Food and Drug Administration (FDA) on December 19, 2006, and that the FDA's review thereof is ongoing.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '879 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the original expiration date of the patent, *i.e.,* October 6, 2020, interim extension of the '879 patent's term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 7,5242,879 is granted for a period of one year from the original expiration date of the '879 patent.

Robert Bahr,

Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office.

[FR Doc. 2020–21966 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2020–0046]

Grant of Interim Extension of the Term of U.S. Patent No. 7,057,053; Vernakalant Hydrochloride

AGENCY: United States Patent and Trademark Office, Department of Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 7,057,053 ('053 patent).

FOR FURTHER INFORMATION CONTACT: Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728 or by email to *raul.tamayo@uspto.gov.*

SUPPLEMENTARY INFORMATION: 35 U.S.C. 156 generally provides that the term of a patent may be extended for a period of up to five years, if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review. 35 U.S.C. 156(d)(5) generally provides that the term of such a patent may be extended for no more than five interim periods of up to one year each, if the approval phase of the regulatory review period is reasonably expected to extend beyond the expiration date of the patent.

On July 14, 2020, Correvio International Sàrl, the owner of record of the '053 patent, timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of the '053 patent. The '053 patent claims the product vernakalant hydrochloride. The application for interim patent term extension indicates that New Drug Application No. 22–034 for vernakalant hydrochloride was submitted to the Food and Drug Administration (FDA) on December 19, 2006, and that the FDA's review thereof is ongoing.

Review of the interim patent term extension application indicates that, except for permission to market or use the product commercially, the '053 patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Because it appears the approval phase of the regulatory review period will continue beyond the original expiration date of the patent, *i.e.,* October 16, 2020, interim extension of the '053 patent's term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 7,057,053 is granted for a period of one year from the original expiration date of the '053 patent.

Robert Bahr,

Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office.

[FR Doc. 2020–21963 Filed 10–2–20; 8:45 am]

BILLING CODE 3510–16–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2020–0032]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is requesting a new information collection titled, ''Start Small, Save Up Workforce Questionnaire.''

DATES: Written comments are encouraged and must be received on or before November 4, 2020 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.reginfo.gov* (this link becomes active on the day following publication of this notice). Select ''Information Collection Review,'' under ''Currently under Review,'' use the dropdown menu ''Select Agency'' and select ''Consumer Financial Protection Bureau'' (recent submissions to OMB will be at the top of the list). The same documentation is also available at *http://www.regulations.gov.* Requests for additional information should be directed to Darrin King, PRA Officer, at (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION: *Title of Collection:* Start Small, Save Up Workforce Questionnaire.

OMB Control Number: 3170–XXXX.

Type of Review: Request for a new OMB Control Number.

Affected Public: Individuals and households.

Estimated Number of Respondents: 2,000.

Estimated Total Annual Burden Hours: 1,000.

Abstract: This short questionnaire evaluates the respondent's current savings habits, behaviors, and attitudes. It evaluates the respondent's level of financial well-being, a subjective state wherein a person has a sense of financial security and financial freedom of choices, in the present and for the future. The questionnaire will give the Bureau an efficient way to measure the effectiveness of financial education and other efforts in increasing consumers' liquid savings and financial well-being. Information will be gathered from those in the Bureau workforce. The questionnaire may also be made available for use by other Federal agencies for similar studies related to financial well-being and savings practices.

The questionnaire asks about the respondent's recent experiences with unexpected financial shocks, the respondent's savings cushion available for emergencies, the respondent's savings behavior and savings vehicles. It includes the five-question version of the Bureau's Financial Well-Being Scale.

The Bureau can use the information collected to connect savings and financial well-being, and to inform future development of employer-sponsored financial education materials and programs.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on June 3, 2020, 85 FR 34183, Docket Number: CFPB–2020–0016. No Comments were received. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Dated: September 29, 2020.

Darrin King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2020–21922 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Centers of Excellence for Veteran Student Success Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2020 for the Centers of Excellence for Veteran Student Success (CEVSS) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.116G. This notice relates to the approved information collection under OMB control number 1894–0006.

DATES:

Applications Available: October 5, 2020.

Deadline for Transmittal of Applications: November 4, 2020.

Deadline for Intergovernmental Review: January 4, 2021.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019, (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR-2019-02-13/pdf/2019-02206.pdf.*

FOR FURTHER INFORMATION CONTACT: Kelly Harris, U.S. Department of Education, 400 Maryland Avenue SW, Room 268–30, Washington, DC 20202. Telephone: (202) 453–7346. Email: *Kelly.Harris@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to encourage institutions of higher education (IHEs) to develop model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial,

physical, and social needs of veteran students.

Priorities: This notice contains one absolute priority and two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(v), the absolute priority is from the activities specified in section 873 of the Higher Education Act of 1965, as amended (HEA). Competitive Preference Priority 1 is from the notice of final administrative priorities for discretionary grant programs (Administrative Priorities) published in the **Federal Register** on March 9, 2020 (85 FR 13640). Competitive Preference Priority 2 is from the Notice of Final Priority for Discretionary Grant Programs, published in the **Federal Register** on November 27, 2019 (84 FR 65300) (Opportunity Zones NFP).

Absolute Priority: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Projects that include the following required activities:

(a) Establishing a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students;

(b) Establishing a veteran student support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;

(c) Providing a coordinator whose primary responsibility is to coordinate the model program;

(d) Monitoring the rates of veteran student enrollment, persistence, and completion; and

(e) Developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

Competitive Preference Priorities: For FY 2020 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award an additional two points to an application that meets Competitive Preference Priority 1, and one additional point to an application that meets Competitive Preference Priority 2, for a maximum of up to three additional points.

These priorities are:

Competitive Preference Priority 1—Applications From New Potential Grantees. (2 points)

Under this priority, an applicant must demonstrate that the applicant has never received a grant, including through membership in a group application submitted in accordance with 34 CFR 75.127–75.129, under the CEVSS program.

Competitive Preference Priority 2—Spurring Investments in Qualified Opportunity Zones. (1 point)

Under this priority, an applicant must demonstrate the following:

(a) The area in which the applicant proposes to provide services overlaps with a Qualified Opportunity Zone, as designated by the Secretary of the Treasury under section 1400Z–1 of the Internal Revenue Code (IRC). An applicant must—

(i) Provide the census tract number of the Qualified Opportunity Zone(s) in which it proposes to provide services; and

(ii) Describe how the applicant will provide services in the Qualified Opportunity Zone(s).

Note: Applicants addressing this priority could consider indicating how they plan to conduct outreach and recruitment of veterans that reside in Qualified Opportunity Zones which, compared to areas that are not Qualified Opportunity Zones, have higher average poverty rates, lower median household incomes, higher unemployment rates, and lower levels of educational attainment.[1]

Program Authority: 20 U.S.C. 1161t.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The Administrative Priorities. (e) The Opportunity Zones NFP.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $6,930,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $433,000 to $450,000 for up to 36 months.

Estimated Average Size of Awards: $441,500 for up to 36 months.

Maximum Award: We will not make an award exceeding $450,000 for a 36-month period.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs and consortia of IHEs.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 13, 2019 (84 FR 3768), and available at *www.govinfo.gov/content/pkg/FR–2019–02–13/pdf/2019–02206.pdf, which contain requirements and information on how to submit an application.*

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

[1] Brett Theodos, Brady Meixell, and Carl Hedman, ''Did States Maximize Their Opportunity Zones Selections?'' Urban Institute, 2018, available at: *https://www.urban.org/sites/default/files/publication/98445/did_states_maximize_their_opportunity_zone_selections_7.pdf.*

• A ''page'' is 8.5'' x 11'', on one side only, with 1'' margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger, and no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract and the bibliography. However, the recommended page limit does apply to all of the application narrative.

Note: The Budget Information-Non-Construction Programs Form (ED 524) Sections A–C are not the same as the narrative response to the Budget section of the selection criteria.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210. Applicants should address each of the following selection criteria separately for each proposed activity. The selection criteria are worth a total of 100 points; the maximum score for each criterion is noted in parentheses.

(a) *Need for project.* (Maximum 10 points) The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers:

(1) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(2) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure.

(3) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) *Significance.* (Maximum 10 points) The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers:

(1) The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

(2) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(c) *Quality of the project design.* (Maximum 30 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(2) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(3) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(d) *Quality of project personnel.* (Maximum 15 points) The Secretary considers the quality of the personnel who will carry out the proposed project.

(1) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(2) In addition, the Secretary considers:

(i) The qualifications, including relevant training and experience, of the project director or principal investigator.

(ii) The qualifications, including relevant training and experience, of key project personnel.

Note: As stated in the absolute priority for this competition, a proposed Center of Excellence for Veteran Student Success must have a coordinator whose primary responsibility is to coordinate the model program. In response to this selection criterion, the application must describe the qualifications of this individual, the members of the veteran student support team described in the absolute priority, and any other individuals who will help carry out the proposed project. The grant project director may or may not be the coordinator of the Center of Excellence for Veteran Student Success. Applicants should consider emphasizing how the training and experience of veteran employees staffing the project, if applicable, will support the goals of the project.

(e) *Adequacy of resources.* (Maximum 20 points) The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers:

(1) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(2) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits.

(3) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support.

Note: A budget summary and budget narrative attached to your proposal should itemize the support you are requesting through the CEVSS Program.

(f) *Quality of the project evaluation.* (Maximum 15 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation provide for examining the effectiveness of the project implementation strategies.

(3) The extent to which the methods of evaluation will provide timely guidance for quality assurance.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23). The projects must also be awarded and operated in a manner consistent with nondiscrimination requirements contained in the U.S. Constitution.

A panel of two non-Federal reviewers will review and score each application in accordance with the selection criteria. A rank order funding slate will be made from this review. Awards will be made in rank order according to the

average score received from the peer review and from the competitive preference priorities addressed by the applicant.

If the Secretary has insufficient funding to award multiple applications with the same score, consistent with section 873(d)(2)(A) and (B) of the HEA, in making a selection, the Secretary will consider (a) the number of veteran students enrolled at each IHE; and (b) the need for model programs to address the needs of veteran students at a wide range of IHEs, including the need to provide (i) an equitable distribution of such grants to IHEs of various types and sizes; (ii) an equitable geographic distribution of such grants; and (iii) an equitable distribution of such grants among rural and urban areas.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* Under 34 CFR 75.110, the Secretary has established the following Government Performance and Results Act of 1993 (GPRA) performance measures for the CEVSS Program: (1) The extent to which the project is institutionalized at the end of the project period; and (2) The extent to which funded projects increase enrollment, persistence, and completion rates of veteran students at their institutions.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project.

If funded, you will be required to collect and report data in your project's annual performance report (34 CFR 75.590).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit

your search to documents published by the Department.

Robert L. King,

Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2020–21886 Filed 10–2–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2020–SCC–0113]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; EDGAR Recordkeeping and Reporting Requirements

AGENCY: Office of Finance and Operations (OFO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before November 4, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6115.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: EDGAR Recordkeeping and Reporting Requirements.

OMB Control Number: 1894–0009.

Type of Review: An extension of a previously approved information collection.

Respondents/Affected Public: State, Local and Tribal Organizations; Private Sector.

Total Estimated Number of Annual Responses: 4,320.

Total Estimated Number of Annual Burden Hours: 23,130.

Abstract: The Education Department General Administrative Regulations (EDGAR) contain several requirements that grantees maintain certain types of records related to their grants and to report or submit certain information to the Department. The current Recordkeeping and Reporting Requirements for discretionary grants has approval through August 31, 2020, we are requesting an extension of this approval.

Dated: September 30, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–21920 Filed 10–2–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0111]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual State Application Under Part C of the Individuals With Disabilities Education Act as Amended in 2004 for Federal Fiscal Year (FFY) 2021

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before November 4, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jennifer Simpson, (202) 245–6052.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual State Application Under Part C of the Individuals With Disabilities Education Act as Amended in 2004 for Federal Fiscal Year (FFY) 2021.

OMB Control Number: 1820–0550.

Type of Review: An extension of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 56.

Total Estimated Number of Annual Burden Hours: 560.

Abstract: In order to be eligible for a grant under 20 U.S.C. 1433, a State must provide assurance to the Secretary that the State has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and has in effect a statewide system that meets the requirements of 20 U.S.C. 1435. Some policies, procedures, methods, and descriptions must be submitted to the Secretary.

Dated: September 30, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–21955 Filed 10–2–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0100]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request;

AGENCY: Office of Finance and Operations (OFO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before November 4, 2020.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: U.S. Department of Education Supplemental Information for the SF–424 Form.

OMB Control Number: 1894–0007.

Type of Review: An extension of a previously approved information collection.

Respondents/Affected Public: State, Local and Tribal Organizations.

Total Estimated Number of Annual Responses: 5,976.

Total Estimated Number of Annual Burden Hours: 1,972.

Abstract: There is an adjustment decrease in both the number of respondents and the number of burden hours estimated in this collection. The number of respondents for this collection is 8,078 compared to the current inventory for this collection of 5,976. The burden hours for this collection total 2666 compared to the current inventory of 1972 burden hours. Due to a decrease in funding to the Department's discretionary grant programs there was a decrease in the number of discretionary grant applications received and an adjustment to a decrease in burden hours of 694.

Dated: September 30, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–21916 Filed 10–2–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2020–SCC–0162]

Agency Information Collection Activities; Comment Request

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before December 4, 2020.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2020–SCC–0162. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elise Cook, 202–401–3769.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general

public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Freedom of Information Act (FOIA) Third Party Perjury Form.

OMB Control Number: 1880–0545.

Type of Review: An extension of a previously approved information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 62,000.

Total Estimated Number of Annual Burden Hours: 31,000.

Abstract: This collection is necessary to certify the identity of individuals requesting information under the Freedom of Information Act (FOIA) and Privacy Act (PA). This certification is required under 5 U.S.C. Section 552a(b). The form is used by Privacy Act requesters to obtain personal records via regular mail, fax or email. The department will use the information to help identify first-party or third party requesters with same or similar name when requesting retrieval of their own documents.

Dated: September 30, 2020.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2020–21961 Filed 10–2–20; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–481–1]

Application To Amend Presidential Permit; CHPE, LLC

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of application.

SUMMARY: CHPE, LLC (the Applicant) has filed an application to amend Presidential Permit No. PP–481. CHPE, LLC is requesting the amendment to allow for certain modifications to the previously permitted route.

DATES: Comments, protests, or motions to intervene must be submitted on or before November 4, 2020.

ADDRESSES: Comments or motions to intervene should be addressed to Christopher Lawrence, *Christopher.Lawrence@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) at 202–586–5260 or by email to *Christopher.Lawrence@hq.doe.gov,* or Christopher Drake (Attorney-Adviser) at 202–586–2919 or by email to *Christopher.Drake@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (E.O.) 10485, as amended by E.O. 12038.

On September 25, 2020, CHPE, LLC filed an application with the Office of Electricity of the Department of Energy (DOE), as required by regulations at 10 CFR 205.320 *et seq.,* requesting that DOE amend Presidential Permit No. PP–481 to allow for changes in the route previously permitted.

On October 6, 2014, DOE issued Presidential Permit No. PP–362, authorizing Champlain Hudson Power Express, Inc. (CHPEI) to construct, operate, maintain, and connect the Champlain Hudson Power Express Project (Project). As described in PP–362, the Project is a 1,000-megawatt (MW), high-voltage direct current (HVDC), underground and underwater merchant transmission system that will cross the United States-Canada international border underwater near the Town of Champlain, New York, extend approximately 336 miles south through New York State, and interconnect to facilities located in Queens County, New York, owned by the Consolidated Edison Company of New York. The aquatic segments of the transmission line will primarily be buried in sediments of Lake Champlain and the Hudson, Harlem, and East rivers. The terrestrial portions of the transmission line will primarily be buried within existing road and railroad rights-of-way (ROW). On July 21, 2020, DOE issued Presidential Permit PP–481 transferring the facilities authorized in PP–362 to CHPE, LLC at the request of CHPEI and CHPE, LLC.

Since the issuance of PP–362 in 2014, the Applicant, in consultation with various stakeholders, has developed certain modifications to the permitted Project route, including relocating the site of the Project converter station. *See* Application of CHPE, LLC for Amendment to Presidential Permit (App.), at 3 (Sept. 25, 2020). The eight (8) proposed route modifications would lengthen the Project by approximately 5.1 linear miles, an increase of less than 2%. *See id.* The Applicant has also identified a construction method claimed to reduce environmental impacts. *See id.*

According to the Applicant, ''[t]hese proposed changes are principally driven by engineering, environmental, and landowner/stakeholder considerations that have been identified as the Applicant has refined the design of the Project.'' App. at 3. ''Among other things,'' the Applicant asserts that ''the proposed changes would avoid shallow water related engineering challenges, reduce rock removal and wetland impacts, eliminate disruption to downtown activities within the City of Schenectady, forego reliance on an aging railroad bridge, accommodate community concerns, [and] avoid recently constructed infrastructure,'' as well as ''optimiz[e] the design of the converter station and the connection to existing electrical facilities.'' *Id.* at 3–4.

Procedural Matters: Any person may comment on this application by filing such comment at the address provided above. Any person seeking to become a party to this proceeding must file a motion to intervene at the address provided above in accordance with Rule 214 of FERC's Rules of Practice and Procedure (18 CFR 385.214). Each comment or motion to intervene should be filed with DOE on or before the date listed above.

Comments and other filings concerning this application should be clearly marked with OE Docket No. PP–481–1. Additional copies are to be provided directly to Mr. Donald Jessome, Chief Executive Officer, Transmission Developers Inc., Pieter Schuyler Building, 600 Broadway, Albany, New York 12207–2283,

donald.jessome@transmissiondevelopers.com and Jay Ryan, Baker Botts LLP, 700 K Street NW, Washington, DC 20001, *jay.ryan@bakerbotts.com.*

Before a Presidential permit may be issued or amended, DOE must determine that the proposed action is in the public interest. In making that determination, DOE will consider the environmental impacts of the proposed action (*i.e.,* granting the Presidential permit or amendment, with any conditions and limitations, or denying the permit), determine the proposed project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions, and weigh any other factors that DOE may also consider relevant to the public interest. DOE also must obtain the favorable recommendation of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

This application may be reviewed or downloaded electronically at *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2.* Upon reaching the home page, select ''Pending Applications.''

Signed in Washington, DC, on September 29, 2020.

Christopher Lawrence,

Management and Program Analyst, Transmission Permitting and Technical Assistance, Office of Electricity.

[FR Doc. 2020–21936 Filed 10–2–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Quantum Initiative Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the National Quantum Initiative Advisory Committee (NQIAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, October 27, 2020; 9:00 a.m. to 3:00 p.m. PDT.

ADDRESSES: Virtual Meeting: Instructions to participate remotely will be posted on the National Quantum Initiative Advisory Committee website at: (*https://science.osti.gov/About/NQIAC*) prior to the meeting and can also be obtained by contacting Karen Talamini, (301) 903–4563, or email: *NQIAC@science.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Altaf Carim, Designated Federal Officer, NQIAC, (301) 903–9564 or email: *NQIAC@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The NQIAC has been established to provide advice and guidance on a continuing basis to the President, the Secretary of Energy, and the National Science and Technology Council Subcommittee on Quantum Information Science (QIS), the National Quantum Initiative (NQI) program, and on trends and developments in quantum information science and technology, in accordance with the National Quantum Initiative Act (Pub. L. 115–368) and Executive Order 13885.

Tentative Agenda: Member introductions; Federal Advisory Committee Act (FACA) expectations; Summary of NQI program and U.S. coordination history; National strategy for QIS; Agency updates on NQI program; Strategic imperatives and NQIAC activity.

Public Participation: It is the policy of the NQIAC to accept written public comments no longer than 5 pages and to accommodate oral public comments whenever possible. The NQIAC expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. The public comment period for this meeting will take place on October 27, 2020, at a time specified in the meeting agenda. This public comment period is designed only for substantive commentary on NQIAC's work, not for business marketing purposes.

Oral Comments: To be considered for the public speaker list at the meeting, interested parties should register to speak at *NQIAC@science.doe.gov,* no later than 12:00 p.m. Eastern Time on October 19, 2020. To accommodate as many speakers as possible, the time for public comments will be limited to three (3) minutes per person, with a total public comment period of up to 15 minutes. If more speakers register than there is space available on the agenda, NQIAC will select speakers on a first-come, first-served basis from those who applied. Those not able to present oral comments may always file written comments with the committee.

Written Comments: Although written comments are accepted continuously, written comments relevant to the subjects of the meeting should be submitted to *NQIAC@science.doe.gov* no later than 12:00 p.m. Eastern Time on October 19, 2020, so that the comments may be made available to the NQIAC members prior to this meeting for their consideration.

Please note that because NQIAC operates under the provisions of FACA, all public comments and related materials will be treated as public documents and will be made available for public inspection, including being posted on the NQIAC website.

Minutes: The minutes of this meeting will be available on the National Quantum Initiative Advisory Committee website at: *https://science.osti.gov/About/NQIAC.*

Signed in Washington, DC, on September 29, 2020.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2020–21934 Filed 10–2–20; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR20–74–000.
Applicants: Columbia Gas of Ohio, Inc.
Description: Tariff filing per 284.123(b),(e)/: COH Rates effective Aug 27 2020 to be effective 8/27/2020.
Filed Date: 9/28/2020.
Accession Number: 202009285036.
Comments/Protests Due: 5 p.m. ET 10/19/2020.

Docket Numbers: RP20–1225–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements—BP Range—11/1/2020 to be effective 11/1/2020.
Filed Date: 9/28/20.
Accession Number: 20200928–5007.
Comments Due: 5 p.m. ET 10/13/20.

Docket Numbers: RP20–1226–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreement—Eclipse—9/26/2020 to be effective 9/26/2020.
Filed Date: 9/28/20.
Accession Number: 20200928–5032.
Comments Due: 5 p.m. ET 10/13/20.

Docket Numbers: RP20–1227–000.
Applicants: Wyoming Interstate Company, L.L.C.
Description: Compliance filing Operational Purchase and Sale Report.

Filed Date: 9/28/20.
Accession Number: 20200928–5037.
Comments Due: 5 p.m. ET 10/13/20.

Docket Numbers: RP20–1228–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Compliance filing Penalty Revenue Crediting Report From January through June 2020.
Filed Date: 9/28/20.
Accession Number: 20200928–5038.
Comments Due: 5 p.m. ET 10/13/20.

Docket Numbers: RP20–1229–000.
Applicants: Cheniere Corpus Christi Pipeline, LP.
Description: § 4(d) Rate Filing: Housekeeping Clean Up to be effective 10/28/2020.
Filed Date: 9/28/20.
Accession Number: 20200928–5140.
Comments Due: 5 p.m. ET 10/13/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 29, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–21950 Filed 10–2–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR20–13–000]

Enerplus Resources (USA) Corporation v. Targa Badlands LLC, Targa Assets LLCm Targa Fort Berthold LLC; Notice of Complaint

Take notice that on September 28, 2020, pursuant to sections 306, and 309 of the Federal Power Act, 16 U.S.C. 825e, and 825h, and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Enerplus Resources (USA) Corporation (Complainant) filed a formal complaint against Targa Badlands LLC, Targa Assets LLC and, Targa Fort Berthold LLC (Respondents), challenging the lawfulness of the rates charged by Targa Badlands LLC, Targa Assets LLC and Targa Fort Berthold LLC, all as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on the contacts listed for Respondents in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov,* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on October 19, 2020.

Dated: September 29, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–21951 Filed 10–2–20; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC20–105–000.
Applicants: Arlington Valley Solar Energy II, LLC, Centinela Solar Energy, LLC.
Description: Joint Application for Approval under Section 203 of the Federal Power Act, et al. of Arlington Valley Solar Energy II, LLC, et al.
Filed Date: 9/28/20.
Accession Number: 20200928–5159.
Comments Due: 5 p.m. ET 10/19/20.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG20–250–000.
Applicants: Topaz Generating, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Topaz Generating, LLC.
Filed Date: 9/28/20.
Accession Number: 20200928–5137.
Comments Due: 5 p.m. ET 10/19/20.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–67–001; ER20–116–001; ER20–113–001.
Applicants: Evergy Metro, Inc., Evergy Missouri West, Inc., Evergy Kansas Central, Inc.
Description: Notice of Change in Status of the Evergy MBR Sellers under ER20–67, et al.
Filed Date: 9/28/20.
Accession Number: 20200928–5172.
Comments Due: 5 p.m. ET 10/19/20.

Docket Numbers: ER20–1890–001.
Applicants: California Independent System Operator Corporation.
Description: Compliance filing: 2020–09–29 Limited Time Waiver Petition—Postpone Effect. Date to Jan. 1, 2021 to be effective N/A.
Filed Date: 9/29/20.
Accession Number: 20200929–5124.
Comments Due: 5 p.m. ET 10/20/20.

Docket Numbers: ER20–1890–002.
Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2020–09–29 Intertie Deviation Settlement Compliance Filing to be effective 1/1/2021.
Filed Date: 9/29/20.
Accession Number: 20200929–5131.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–2550–002.
Applicants: Entergy Mississippi, LLC.
Description: Tariff Amendment: EML Choctaw Reactive Amendment to be effective 10/1/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5132.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–2588–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Errata to correct metadata in ER20–2588–000 re: Cancellation of SA No. 4820 to be effective 6/30/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5038.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3013–000.
Applicants: Public Service Company of Colorado.
Description: Tariff Cancellation: 2020–09–28_PSC-Big Horn-PLGIA–572–0.1.0–NOC to be effective 9/29/2020.
Filed Date: 9/28/20.
Accession Number: 20200928–5132.
Comments Due: 5 p.m. ET 10/19/20.
Docket Numbers: ER20–3014–000.
Applicants: Delmarva Power & Light Company, PJM Interconnection, L.L.C.
Description: Compliance filing: Delmarva Power & Light Company submits Compliance Filing re: ER09–1158 to be effective N/A.
Filed Date: 9/28/20.
Accession Number: 20200928–5139.
Comments Due: 5 p.m. ET 10/19/20.
Docket Numbers: ER20–3015–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Revised ISA, Service Agreement No. 1503; Queue No. AD2–001 to be effective 8/31/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5045.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3016–000.
Applicants: Dominion Energy South Carolina, Inc.
Description: § 205(d) Rate Filing: SCPSA Interconnection Agr Amendment to be effective 11/30/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5056.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3017–000.
Applicants: Sierra Pacific Power Company.
Description: § 205(d) Rate Filing: Rate Schedule No. 55 SPPC & Liberty 3rd Amended Service Agr to be effective 12/30/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5061.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3018–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 5803; Queue No. AF2–270 to be effective 9/8/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5065.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3019–000.
Applicants: Nevada Power Company.
Description: § 205(d) Rate Filing: Service Agreement No. 15–00086 NPC NITSA to be effective 12/30/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5071.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3020–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of ISA, Service Agreement No. 4781; Queue No. AB1–082 to be effective 9/18/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5082.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3021–000.
Applicants: New York Independent System Operator, Inc., New York State Electric & Gas Corporation.
Description: § 205(d) Rate Filing: Joint NYISO & NYSEG 205 re: SGIA (SA 2553) between NYISO, NYSEG and Janis Solar to be effective 9/15/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5083.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3022–000.
Applicants: Public Service Company of Colorado.
Description: Tariff Cancellation: 2020–09–29_PSC-Big Horn-E&P–557–0.1.0–NOC to be effective 9/30/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5087.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3023–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 5809; Queue No. AF2–273 to be effective 9/10/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5093.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3024–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 5631; Queue No. AC1–098/AC1–099 to be effective 3/19/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5130.
Comments Due: 5 p.m. ET 10/20/20.
Docket Numbers: ER20–3025–000.
Applicants: GridLiance High Plains LLC.
Description: § 205(d) Rate Filing: Gridliance HP Revisions to Attachment K to be effective 11/29/2020.
Filed Date: 9/29/20.
Accession Number: 20200929–5133.
Comments Due: 5 p.m. ET 10/20/20.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 29, 2020.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2020–21949 Filed 10–2–20; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ– OAR–2020–0427; FRL 10015–29–OAR]

Alternative Method for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Applications From North American Subaru, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is requesting comment on applications from North American Subaru, Inc., (Subaru) for off-cycle carbon dioxide (CO_2) credits under EPA's light-duty vehicle greenhouse gas emissions standards. ''Off-cycle'' emission reductions can be achieved by employing technologies that result in real-world benefits, but where that

benefit is not adequately or entirely captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating ''off-cycle'' carbon dioxide (CO_2) credits. Under the regulations, a manufacturer may apply for CO_2 credits for technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. Subaru has submitted applications that describe methodologies for determining off-cycle credits from high efficiency alternator and brushless motor technologies. Subaru's application is limited to 2017 and later model year vehicles for the high efficiency alternator and 2019 model year and later as the brushless motor technology is adopted across Subaru's product line. Pursuant to applicable regulations, EPA is making descriptions of the manufacturers' off-cycle credit calculation methodologies available for public comment.

DATES: Comments must be received on or before November 4, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2020–0427, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: David Wright, Environmental Protection Specialist, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4467. Fax: (734) 214–4869. Email address: *wright.davida@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO_2) credits for those technologies that achieve CO_2 reductions in the real world but where those reductions are not adequately or entirely captured on the test used to determine compliance with the CO_2 standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.[1] This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements. In cases where additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as ''5-cycle'' testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO_2 credits.[2] The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. Credits determined according to either of these methodologies do not undergo additional public review. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO_2 credits.[3] This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option for model years prior to 2014 to demonstrate off-cycle CO_2 reductions for technologies that are on the predetermined list, or to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.,* under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

Further, the regulations specify the following requirements regarding an application for off-cycle CO_2 credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology, and carry out any necessary testing and analysis required to support that methodology.
- A manufacturer requesting off-cycle credits must conduct testing and/or prepare engineering analyses that demonstrate the in-use durability of the technology for the full useful life of the vehicle.
- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO_2 emissions under conditions not represented on the compliance tests.
- The application must contain a list of the vehicle model(s) which will be equipped with the technology.
- The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.
- The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, the alternative methodology submitted to EPA for consideration must be made available for public comment.[4] EPA will consider public comments as part of its final decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Applications

Using the alternative methodology approach discussed above, Subaru is applying for credits for model years 2017 and later. Subaru has applied for

[1] See 40 CFR 86.1869–12(b).

[2] See 40 CFR 86.1869–12(c).

[3] See 40 CFR 86.1869–12(d).

[4] See 40 CFR 86.1869–12(d)(2).

off-cycle credits using the alternative demonstration methodology pathway for the following technologies: high efficiency alternator and brushless motor. The application covers 2017 model year and later vehicles. The methodologies described by Subaru are generally consistent with those used by other manufacturers to determine similar credit values.

Brushless motor credits	Total credit (g CO2/mi)	A/C on (g CO2/mi)	A/C off (g CO2/mi)
Manual A/C	0.4	0.2	0.2
Automatic A/C	0.4	0.3	0.1

High efficiency alternator on % of baseline level	
VDA efficiency (%)	Credit (g/mile)
67	0.0
68	0.2
69	0.3
70	0.5
71	0.6
72	0.8
73	1.0
74	1.1
75	1.3
76	1.4
77	1.6
78	1.8
79	1.9
80	2.1
81	2.2

III. EPA Decision Process

EPA has reviewed the applications for completeness and is now making the applications available for public review and comment as required by the regulations. The off-cycle credit applications submitted by Subaru (with confidential business information redacted) have been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at *http://www.epa.gov/otaq/regs/ld-hwy/greenhouse/ld-ghg.htm.* EPA is providing a 30-day comment period on the applications for off-cycle credits described in this notice, as specified by the regulations. The manufacturers may submit a written rebuttal of comments for EPA's consideration, or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by manufacturers, EPA will make a final decision regarding the credit requests. An EPA decision regarding these off-cycle credit requests will only apply to the vehicles and model years specified in the applications submitted by each manufacturer. EPA will make its decision available to the public by placing a decision document (or multiple decision documents) in the docket and on EPA's website at *http://www.epa.gov/otaq/regs/ld-hwy/greenhouse/ld-ghg.htm.* An EPA decision to approve off-cycle credit requests would only apply to the manufacturers, model years, vehicles, and technologies specified in the credit applications. Such decision would not apply to other vehicles or vehicles from other manufacturers. While the broad methodologies used by these manufacturers could potentially be used for other vehicles and by other manufacturers, the vehicle specific data needed to demonstrate the off-cycle emissions reductions would likely be different. In such cases, a new application would be required, including an opportunity for public comment.

Dated: September 29, 2020.

Byron Bunker,

Director, Compliance Division, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2020–21931 Filed 10–2–20; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0798; FRS 17105]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 4, 2020.

ADDRESSES: Comments should be sent to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the SUPPLEMENTARY INFORMATION below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other

Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0798.

Title: FCC Authorization for Radio Service Authorization; Wireless Telecommunications Bureau; Public Safety and Homeland Security Bureau.

Form Number: FCC Form 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individual and households, Business or other for-profit entities, state, local, or tribal government, and not for profit institutions.

Number of Respondents: 255,552 respondents; 255,552 responses.

Estimated Time per Response: 0.5 to 1.25 hours.

Frequency of Response: Recordkeeping requirement; third party disclosure requirement, on occasion reporting requirement and periodic reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535, and 554 of the Communications Act of 1934.

Total Annual Burden: 224,008 hours.

Total Annual Cost: $71,934,000.

Privacy Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 601 is a consolidated, multi-part application form that is used for market-based and site-based licensing for wireless telecommunications services, including public safety licenses, which are filed through the Commission's Universal Licensing System (ULS). FCC Form 601 is composed of a main form that contains administrative information and a series of schedules used for filing technical and other information. This form is used to apply for a new license, to amend or withdraw a pending application, to modify or renew an existing license, cancel a license, request a duplicate license, submit requested notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing license (such as mailing address change), request a Special Temporary Authority or Developmental License. Respondents are required to submit FCC Form 601 electronically, except in certain services specifically designated by the Commission.

The data on FCC Form 601 includes the FCC Registration Number (FRN), which serves a ''common link'' for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires entities filing with the Commission to use an FRN. Records may include information about individuals or households, *e.g.,* personally identifiable information or PII, and the use(s) and disclosure of this information are covered by the requirements of a system of records notice of 'SORN,' FCC–WTB–1, ''Wireless Services Licensing Records.'' There are no additional impacts under the Privacy Act.

On April 23, 2020, the Commission Adopted a Report and Order and Further Notice of Proposed Rulemaking in ET Docket 18–295, FCC 20–51, that requires temporary fixed microwave licensees to register temporary fixed links in the ULS database in order to receive protection from unlicensed devices operating in the 6GHz band, a summary of which was published at 85 FR 31390 (May 26, 2020). Automated frequency coordination (AFC) administrators will use this information to determine where unlicensed devices can operate. Temporary fixed licensees were not previously required to file applications with the Commission when they commenced operation, so this is a new filing requirement. We estimate that 70 respondents, will file 1,050 responses per year (15 per licensee), with an estimated time burden of 525 hours (30 minutes per filing). In addition to creating this new filing requirement, two new data fields will be required to describe when the temporary fixed links will be operational, so that the AFCs will know when to protect the temporary fixed links. For this purpose a ''start date'' and ''end date'' will be added to the Form 601, Schedule I.

On May 13, 2020, the FCC adopted a Report and Order, FCC 20–67, in WT Docket No. 17–200, modified by an erratum released July 1, 2020, that establishes rules for broadband license operations in the 897.5–900.5/936.5–939.5 MHz segment of the 900 MHz band (896–901/935–940 MHz), a summary of which was published at 85 FR 43124 (July 16, 2020). The Commission seeks approval from OMB for the information collection requirements contained in the Report and Order, FCC 20–67. The requirements in §§ 27.1503(b)(1), (2), and (3) and (c)(1) and 27.1505(a) and (b) constitute revised information collections pursuant to the PRA. For the first three years of this collection, we estimate that 30 respondents will file 60 responses per year (two per licensee), with an estimate time burden of 30 hours (30 minutes per filing). We estimate that 30 respondents will file 60 responses (once at the six-year mark, and once at the 12-year mark of the 900 MHz broadband license term), with an estimate time burden of 30 hours in each of those two years (1 hour per filing).

Section 27.1503(b)(1) requires an applicant to file an application for a 900 MHz broadband license in accordance with part 1, subpart F, of the Commission's rules. The 900 MHz broadband service is a new service governed under part 27 of the Commission's rules. The Commission requests OMB approval to revise FCC Form 601 to add a new radio service code, a new Schedule N for the 900 MHz broadband service, and two new attachment types for the Eligibility Certification and Transition Plan.

Schedule N would be a new supplementary schedule for 900 MHz broadband service applicants to apply for the required license authorization in conjunction with the FCC 601 Main Form. In Schedule N, 900 MHz broadband service applicants would identify the market(s) to which the filing pertains and certifications that the applicant has attached an Eligibility Certification and Transition Plan, that the applicant will return licensed 900 MHz spectrum to the Commission, and that it will remit an anti-windfall payment if applicable.

Section 27.1503(b)(2) requires an applicant to file an Eligibility Certification as part of its application for a 900 MHz broadband license. In its Eligibility Certification, an applicant must list the licenses the applicant holds in the 900 MHz band to demonstrate that it holds licenses for

more than 50% of the total licensed 900 MHz spectrum for the county, including credit for spectrum included in an application to acquire or relocate any covered incumbents filed on or after March 14, 2019. The Eligibility Certification must also include a statement that the applicant's Transition Plan details how it holds spectrum in the broadband segment and/or has reached an agreement to clear through acquisition or relocation, or demonstrate how it will provide interference protection to, covered incumbent licensees collectively holding licenses in the broadband segment for at least 90% of the site-channels in the county, and within 70 miles of the county boundary and geographically licensed channels where the license area completely or partially overlaps the county.

Section 27.1503(b)(3) requires an applicant to file a Transition Plan as part of its application for a 900 MHz broadband license. In its Transition Plan, an applicant must demonstrate one or more of the following for at least 90% of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county: (1) Agreement by covered incumbents to relocate form the broadband segment; (2) protection of site-based covered incumbents through compliance with minimum spacing criteria; (3) protection of site-based covered incumbents through new or existing letters of concurrence agreeing to lesser base station separations; (4) protection of geographically-based covered incumbents through private contractual agreements; and/or (5) evidence that it holds licenses for the site channels in the county and within 70 miles of the county boundary and geographically licensed channels where the license area completely or partially overlaps the county. The Transition Plan must describe in detail: (1) Descriptions of the agreements reached with covered incumbents to relocate and the applications that the parties to the agreements will file for spectrum in the narrowband segment in order to relocate or repack licensees; (2) descriptions of how the applicant will provide interference protection to, and/or acquire or relocate from the broadband segment, covered incumbents collectively holding licenses for at least 90% of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county, and/or evidence that it holds licenses for the site-channels and/or geographically licensed channels; (3) any rule waivers or other actions necessary to implement an agreement with a covered incumbent; and (4) such additional information as may be required. The Commission requires the applicant to include in the Transition Plan a certification from a frequency coordinator that the Transition Plan can be implemented consistent with the Commission's rules. The Commission allows an applicant seeking to transition multiple counties simultaneously to file a single Transition Plan that covers all of its county-based applications.

Section 27.1503(c)(1) requires an applicant to cancel its 900 MHz Specialized Mobile Radio and Business/Industrial/Land Transportation licenses, up to six megahertz, conditioned upon Commission grant of its license. An applicant would file FCC Form 601 to cancel existing licenses, but this information collection does not involve a revision of FCC Form 601.

Section 27.1505 requires a 900 MHz broadband licensee to meet performance requirements. Section 27.1505(a) requires an applicant to file a construction notification in accordance with § 1.946(d) of the Commission's rules. An applicant would file FCC Form 601 to file the construction notification, and this information collection would encompass adding a new radio service code for the 900 MHz broadband service. Pursuant to § 27.1505(b), licensees can satisfy performance requirement through population or geographic coverage. Under the population metric, a 900 MHz broadband licensee would be required to provide reliable signal coverage and offer broadband service to at least 45% of the population in its license area within six years of license grant and to at least 80% of the population in its license area within twelve years of license grant. Under the geographic coverage metric, a 900 MHz broadband licensee would be required to provide reliable signal coverage and offer broadband service to at least 25% of the geographic license area within six years of license grant and to at least 50% of the geographic license area within twelve years of license grant. To meet the broadband service obligation, the Commission expects licensees to deploy technologies that make intensive use of the entire ⅔ megahertz band segment and yield high uplink and downlink data rates and minimal latency sufficient to provide for real-time, two-way communications. The 900 MHz broadband licensees would demonstrate its compliance with § 27.1505(b) by filing an attachment to their FCC Form 601 construction notification filings.

Federal Communications Commission.

Cecilia Sigmund,

Associate Secretary, Office of the Secretary.

[FR Doc. 2020–21880 Filed 10–2–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 17110]

Privacy Act of 1974; Matching Program

AGENCY: Federal Communications Commission.

ACTION: Notice of Establishment of Two Matching Programs.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (''Privacy Act''), this document announces the establishment of computer matching programs the Federal Communications Commission (''FCC'' or ''Commission'' or ''Agency'') and the Universal Service Administrative Company (USAC) will conduct with the State of Florida's Department of Children and Families (DCF), Office of Economic Self-Sufficiency (Florida), and the State of Minnesota's Department of Human Services (DHS) (Minnesota). (''Agencies''). The purpose of these two matching programs is to verify the eligibility of applicants to and subscribers of the Universal Service Fund (USF) Lifeline program, which is administered by USAC under the direction of the FCC. More information about these programs is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: Written comments are due on or before November 4, 2020. This computer matching program will commence on November 4, 2020, and will conclude on May 5, 2022.

ADDRESSES: Send comments to Mr. Leslie F. Smith, Privacy Manager, Information Technology (IT), FCC, Washington, DC 20554, or to *Leslie.Smith@fcc.gov* or *Privacy@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Leslie F. Smith, (202) 418–0217, or *Leslie.Smith@fcc.gov* or *Privacy@fcc.gov.*

SUPPLEMENTARY INFORMATION:

The Lifeline program provides support for discounted broadband and voice services to low-income consumers. Lifeline is administered by the Universal Service Administrative

Company (USAC) under FCC direction. Consumers qualify for Lifeline through proof of income or participation in a qualifying program, such as Medicaid, the Supplemental Nutritional Assistance Program (SNAP), Federal Public Housing Assistance, Supplemental Security Income (SSI), Veterans and Survivors Pension Benefit, and/or various Tribal-specific federal assistance programs. In a Report and Order adopted on March 31, 2016, the Commission ordered USAC to create a National Lifeline Eligibility Verifier (''National Verifier''), including the National Lifeline Eligibility Database (LED), that would match data about Lifeline applicants and subscribers with other data sources to verify the eligibility of an applicant or subscriber. The Commission found that the National Verifier would reduce compliance costs for Lifeline service providers, improve service for Lifeline subscribers, and reduce waste, fraud, and abuse in the program. The purpose of these particular matching programs is to verify Lifeline eligibility by establishing that applicants or subscribers in Florida and Minnesota are enrolled in the SNAP and/or Medicaid programs.

Participating Non-Federal Agencies

- Florida Department of Children and Families (DCF), Office of Economic Self-Sufficiency; and
- Minnesota Department of Human Services (DHS).

Authority for Conducting the Matching Program

47 U.S.C. 254; 47 CFR 54.400 *et seq.;* Lifeline and Link Up Reform and Modernization, et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4006–21, paras. 126–66 (2016) (2016 Lifeline Modernization Order).

Purpose(s)

In the 2016 Lifeline Modernization Order, the FCC required USAC to develop and operate the National Verifier to improve efficiency and reduce waste, fraud, and abuse in the Lifeline program. The stated purpose of the National Verifier is ''to increase the integrity and improve the performance of the Lifeline program for the benefit of a variety of Lifeline participants, including Lifeline providers, subscribers, states, community-based organizations, USAC, and the Commission.'' 31 FCC Rcd 3962, 4006, para. 126. To help determine whether Lifeline applicants and subscribers are eligible for Lifeline benefits, the Order contemplates that the USAC-operated LED will communicate with information systems and databases operated by other Federal and State agencies. Id. at 4011–2, paras. 135–7.

Categories of Individuals

The categories of individuals whose information is involved in the two matching programs include, but are not limited to, those individuals (residing in a single household) who have applied for Lifeline benefits; are currently receiving Lifeline benefits; are individuals who enable another individual in their household to qualify for Lifeline benefits; are minors whose status qualifies a parent or guardian for Lifeline benefits; are individuals who have received Lifeline benefits; or are individuals acting on behalf of an eligible telecommunications carrier (ETC) who have enrolled individuals in the Lifeline program.

Categories of Records

The categories of records involved in the two matching programs include, but are not limited to, the last four digits of the Lifeline applicant's Social Security Number, date of birth, and first name and last name. The National Verifier will transfer these data elements to the Florida DCF and the Minnesota DHS, which will respond either ''yes'' or ''no'' that the individual is enrolled in a Lifeline-qualifying assistance program: State of Florida's SNAP and Medicaid and State of Minnesota's SNAP and Medicaid.

System(s) of Records

The USAC records shared as part of this matching program reside in the Lifeline system of records, FCC/WCB–1, Lifeline Program, a notice of which the FCC published at 82 FR 38,686 (Aug. 15, 2017) and which became effective on September 14, 2017.

Federal Communications Commission.

Cecilia Sigmund,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2020–21896 Filed 10–2–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX, FR No. 17102]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before December 4, 2020. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the

information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–XXXX.

Title: 3.7 GHz Service Licensee and Earth Station Operator Agreements; 3.7 GHz Service Licensee Engineering Analysis.

Form No.: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents and Responses: 30 respondents and 30 responses.

Estimated Time per Response: 2 hours–5 hours.

Frequency of Response: Recordkeeping requirement; on occasion reporting requirement; third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in sections 1, 2, 4(i), 4(j), 5(c), 201, 302, 303, 304, 307(e), 309, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 155(c), 201, 302, 303, 304, 307(e), 309, and 316.

Total Annual Burden: 120 hours.

Annual Cost Burden: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The information collected under this collection will be made publicly available. However, to the extent information submitted pursuant to this information collection is determined to be confidential, it will be protected by the Commission. If a respondent seeks to have information collected pursuant to this information collection withheld from public inspection, the respondent may request confidential treatment pursuant to section 0.459 of the Commission's rules for such information.

Needs and Uses: On February 28, 2020, in furtherance of the goal of releasing more mid-band spectrum into the market to support and enabling next-generation wireless networks, the Commission adopted a Report and Order, FCC 20–22, (3.7 GHz Report and Order), in which it reformed the use of the 3.7–4.2 GHz band, also known as the C-band. Currently, the 3.7–4.2 GHz band is allocated in the United States exclusively for non-Federal use on a primary basis for Fixed Satellite Service (FSS) and Fixed Service. The 3.7 GHz Report and Order calls for the relocation of existing FSS operations in the band into the upper 200 megahertz of the band (4.0–4.2 GHz) and making the lower 280 megahertz (3.7–3.98 GHz) available for flexible use throughout the contiguous United States through a Commission-administered public auction of overlay licenses that is scheduled to occur later this year.

The Commission concluded in the *3.7 GHz Report and Order* that, once this transition is complete, coordination measures are needed to protect incumbent C-band operations in the upper portion of the 3.7–4.2 GHz band. 3.7 GHz Service licensees are required to comply with certain technical rules and coordination practices designed to reduce the risk of interference to incumbent operations. Specifically, 3.7 GHz Service licensees are required to comply with specific power flux density (PFD) limits to protect incumbent earth stations from out-of-band emissions and blocking and to coordinate frequency usage with incumbent Telemetry, Tracking, and Command (TT&C) earth stations. The *3.7 GHz Report and Order* allows 3.7 GHz Service licensees and C-Band earth station operators to modify these PFD limits, but it requires a 3.7 GHz Service licensee that is a party to such an agreement to maintain a copy of the agreement in its station files and disclose it, upon request, to prospective license assignees, transferees, or spectrum lessees, and to the Commission. The Commission also required any 3.7 GHz Service licensee with base stations located within the appropriate coordination distance to provide upon request an engineering analysis to the TT&C operator to demonstrate their ability to comply with the applicable –6 dB I/N criteria.

The information that will be collected under this new information collection is designed to ensure that 3.7 GHz Service licensees operate in a manner that ensures incumbent C-band operations in the upper portion of the 3.7–4.2 GHz band and TT&C operations in the 3700–3980 MHz band are protected. By requiring 3.7 GHz Service licensees to provide a copy of any private agreement with 3.7 GHz earth station operators to prospective license assignees, transferees, or spectrum lessees, and to the Commission, the Commission ensures that such agreements continue to protect incumbent C-band operations in the event a 3.7 GHz service license is subsequently transferred to a new licensee. This collection promotes the safety of operations in the band and reduces the risk of harmful interference to incumbents. It also ensures that relevant stakeholders have access to coordination agreements between 3.7 GHz Service licensees and entities operating earth stations or TT&C operations.

The information provided by the 3.7 GHz Service licensee to the TT&C operator ensures the protection of TT&C operations. The information collection will facilitate an efficient and safe transition by requiring 3.7 GHz Service licensees to demonstrate their ability to comply with the –6 dB I/N criteria, thereby minimizing the risk of interference.

Federal Communications Commission.

Cecilia Sigmund,

Associate Secretary.

[FR Doc. 2020–21879 Filed 10–2–20; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than October 20, 2020.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *The 2020 Jeffory A. Erickson Irrevocable Trust No. 1, the 2020 Jeffory A. Erickson Irrevocable Trust No. 2, the 2020 Jeffory A. Erickson Irrevocable Trust No. 3, the 2020 Jeffory A. Erickson Irrevocable Trust No. 4, Scott A. Erickson, as trustee of all trusts, all of Sioux Falls, South Dakota;* to join the Erickson family shareholder group, a group acting in concert, to acquire voting shares of Leackco Bank Holding Company, Wolsey, South Dakota, and thereby indirectly acquire voting shares of American Bank & Trust, Wessington Springs, South Dakota.

In addition, Scott A. Erickson, individually, to join the Erickson family shareholder group and to retain voting shares of Leackco Bank Holding Company, and thereby indirectly retain voting shares of American Bank & Trust.

Board of Governors of the Federal Reserve System, September 30, 2020.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2020–21937 Filed 10–2–20; 8:45 am]

BILLING CODE P

FEDERAL TRADE COMMISSION

SES Performance Review Board

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members to the FTC Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Vicki Barber, Chief Human Capital Officer, 600 Pennsylvania Avenue NW, Washington, DC 20580, (202) 326–2700.

SUPPLEMENTARY INFORMATION: Publication of the Performance Review Board (PRB) membership is required by 5 U.S.C. 4314 (c) (4). The PRB reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor, and makes recommendations regarding performance ratings, performance awards, and pay-for-performance pay adjustments to the Chairman.

The following individuals have been designated to serve on the Commission's Performance Review Board:

David Robbins, Executive Director, Chairman

Tara Koslov, Deputy Director, Bureau of Competition

Daniel Kaufman, Deputy Director, Bureau of Consumer Protection

Michael Vita, Deputy Director, Bureau of Economics

James Reilly Dolan, Principal Deputy General Counsel

April J. Tabor,

Acting Secretary.

[FR Doc. 2020–21885 Filed 10–2–20; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0163; Docket No. 2020–0001; Sequence No. 11]

Information Collection; General Services Acquisition Regulation; Information Specific to a Contract or Contracting Action (Not Required by Regulation)

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding information specific to a contract or contracting action that is not required by regulation.

DATES: *Submit comments on or before:* December 4, 2020.

ADDRESSES: Submit comments identified by Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), via *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0163. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation)''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation),'' on your attached document.

Instructions: Please submit comments only and cite Information Collection 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), in all correspondence related to this collection. Comments received generally will be posted without change to *regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Mr. Clarence Harrison, Procurement Analyst, GSA Acquisition Policy Division, at telephone 202–227–7051 or email *GSARPolicy@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA has various mission responsibilities related to the acquisition and provision of supplies, transportation, information technology, telecommunications, real property management, and disposal of real and personal property. These mission responsibilities generate requirements that are realized through the solicitation and award of public contracts.

Most GSA procurement-related information collections are required by the Federal Acquisition Regulation (FAR) or General Services Administration Acquisition Regulation (GSAR); each clause requiring such a collection must be individually approved by OMB. However, some solicitations require contractors to submit information specific to that contracting action, such as information needed to evaluate offers (*e.g.* specific instructions for technical and price proposals, references for past performance) or data used to administer resulting contracts (*e.g.* project management plans).

This information collection is currently associated with GSA's information collection requirements contained in solicitations issued in accordance with the Uniform Contract Format under FAR Part 14, Sealed Bidding (see GSAR 514.201–1); FAR Part 15, Contracting by Negotiation (see GSAR 552.215–73); and solicitations under FAR Part 12, Acquisition of Commercial Items (see GSAR 512.301). This includes information collection requirements found in GSA Federal Supply Schedule (FSS) solicitations.

B. Annual Reporting Burden

Respondents: 2,597,377.
Responses per Respondent: 1.
Total Responses: 2,597,377.
Hours per Response: .40.
Total Burden Hours: 1,038,950.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our

estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0163, Information Specific to a Contract or Contracting Action (Not Required by Regulation), in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2020–21982 Filed 10–2–20; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

No Sail Order and Suspension of Further Embarkation; Third Modification and Extension of No Sail Order and Other Measures Related to Operations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), a component of the U.S. Department of Health and Human Services (HHS), announces a third modification and extension of the No Sail Order and Other Measures Related to Operations that was issued on July 16, 2020. This Order applies to cruise ships defined as commercial, non-cargo, passenger-carrying vessels with the capacity to carry 250 or more individuals (passengers and crew) and with an itinerary anticipating an overnight stay onboard or a 24-hour stay onboard for either passengers or crew, that are operating in international, interstate, or intrastate waterways, subject to the jurisdiction of the United States. This Order shall additionally apply to cruise ships operating outside of U.S. waters if the cruise ship operator intends for the ship to return to operating in international, interstate, or intrastate waterways, subject to the jurisdiction of the United States during the period that this Order is in effect.

DATES: This action was effective September 30, 2020.

FOR FURTHER INFORMATION CONTACT: Jennifer Buigut, Division of Global Migration and Quarantine, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS V18–2, Atlanta, GA 30329. Phone: 404–498–1600. Email: *dgmqpolicyoffice@cdc.gov.*

SUPPLEMENTARY INFORMATION: This Order renews the No Sail Order and Other Measures Related to Operations signed by the CDC Director on March 14, 2020, as further modified and extended effective April 15, 2020, and July 16, 2020 subject to the modifications and additional stipulated conditions as set forth in this Order.

This Order shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID–19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the order based on specific public health or other considerations; or (3) October 31, 2020.

A copy of the order is provided below and a copy of the signed order can be found at *https://www.cdc.gov/quarantine/cruise/index.html.*

U.S. Department of Health and Human Services (HHS)

Centers for Disease Control and Prevention (CDC)

Order Under Sections 361 & 365 of the Public Health Service Act (42 U.S.C. 264, 268) and 42 Code of Federal Regulations Part 70 (Interstate) and Part 71 (Foreign):

Third Modification and Extension of No Sail Order and Other Measures Related to Operations

Executive Summary

The coronavirus disease 2019 (COVID–19) pandemic continues to spread rapidly around the world with no approved treatment or vaccine. By July 16, 2020, the date of the second modification and extension of the No Sail Order, there were over 13 million confirmed cases and over 580,000 confirmed deaths worldwide. As of September 28, 2020, a cumulative total of over 33 million cases and almost 1 million confirmed deaths have now been reported worldwide. Even in countries that have managed to slow the rate of transmission, the risks for COVID–19 resurgence remains. In the United States, as of September 28, 2020, there have been over 7 million cases and more than 200,000 confirmed deaths with over 300,000 new cases reported in the last 7 days.

Since HHS/CDC's original No Sail Order, signed on March 14, 2020, which suspended the embarkation of passengers, CDC has worked to control the spread of the virus associated with COVID–19 on cruise ships that remained in U.S. jurisdiction, while protecting against further introduction and spread of the virus associated with COVID–19 into U.S. communities. Cruise ships continue to be an unsafe environment with close quarters where the disease spreads easily and is not readily detected.

Cumulative CDC data from March 1 through September 28, 2020, show a total of 3,689 confirmed cases of COVID–19 [1] or COVID-like illness [2] cases on cruise ships and 41 deaths. These data have also revealed a total of 102 outbreaks on 124 different cruise ships, meaning more than 82% of ships within U.S. jurisdiction were affected by COVID–19 during this time frame. In addition, four cruise ships still have ongoing or resolving COVID–19 outbreaks on board. Recent outbreaks on cruise ships overseas continue to demonstrate that reduced capacity alone has not diminished transmission.

The challenges described in this document highlight the need for further action prior to cruise ships safely resuming passenger operations in the United States. CDC supports the decision by the Cruise Line International Association (CLIA) and its members to voluntarily extend the suspension of operations for passenger cruise ship travel through October 31, 2020.[3] CDC further supports the decisions of numerous cruise ship operators that have voluntarily canceled scheduled voyages involving U.S. ports beyond the date specified by CLIA, including Cunard,[4] Crystal Cruises,[5]

[1] Confirmed COVID–19 means laboratory confirmation for presence of SARS-CoV–2, the virus that causes COVID–19, by polymerase chain reaction (PCR) testing.

[2] COVID-like illness means acute respiratory illness (ARI), influenza-like illness (ILI), or diagnosis of pneumonia.

[3] Press Release, *CLIA and Its Ocean-Going Cruise Line Members Announce Third Voluntary Suspension of U.S. Operations, https://cruising.org/en/news-and-research/press-room/2020/august/clia-announces-third-voluntary-suspension-of-us-cruise-operations* Last accessed September 30, 2020.

[4] Cunard Extends Pause in Operations, *https://www.cunard.com/en-us/contact-us/press-releases* Last accessed September 30, 2020.

[5] *https://www.crystalcruises.com/advisory-alerts/voyage-cancellations.* Last accessed September 30, 2020.

Holland America,[6] Oceania Cruises,[7] Princess Cruise Lines,[8] Viking Ocean Cruises,[9] and Windstar Cruises.[10]

However, because not all cruise ship operators subject to the No Sail Order are members of CLIA or have made similar commitments, CDC is extending its No Sail Order to continue to protect the public's health by ensuring that passenger operations do not resume prematurely.

Previous Orders and Incorporation by Reference

This Order renews the No Sail Order and Other Measures Related to Operations signed by the CDC Director on March 14, 2020,[11] as further modified and extended effective April 15, 2020,[12] and July 16, 2020[13]—subject to the modifications and additional stipulated conditions as set forth in this Order.

This Order shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID–19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the Order based on specific public health or other considerations; or (3) October 31, 2020.

The findings and other evidence relied upon in issuing the March 14 Order, and April 15 and July 16, 2020, modifications and extensions, are incorporated herein by reference. Any ambiguity or conflict between the March 14 Order, and April 15 and July 16 modifications and extensions, as further modified and extended by the current Order, shall be resolved in favor of the current Order.

Statement of Intent

This Order shall be interpreted and implemented in a manner as to achieve the following paramount objectives:

- Preserving human life;
- Preserving the health and safety of cruise ship crew members, port personnel, and communities;
- Preventing the further introduction, transmission, and spread of COVID–19 into and throughout the United States;
- Preserving the public health and other critical resources of Federal, State, and local governments;
- Preserving hospital, healthcare, and emergency response resources within the United States; and
- Maintaining the safety of shipping and harbor conditions.

Definitions

The following definitions shall apply for the purposes of this Order:

''COVID–19'' means coronavirus disease 2019, the disease caused by the coronavirus SARS-CoV–2.

''Itinerary'' means a plan to engage in operations.

''Layup'' means reducing cruise ship operations to those levels needed to maintain essential machinery and equipment so that the ship may be returned to service at some future date.

''Operations,'' ''Operate,'' and ''Operating'' in U.S. waters mean any action by a cruise ship operator (*e.g.,* shifting berths, moving to anchor, discharging waste, making port, or embarking or disembarking passengers or crew) to bring or cause a cruise ship to be brought into or transit in or between any international, interstate, or intrastate waterways, that are subject to the jurisdiction of the United States, or maintaining a ship in layup status in waters that are subject to the jurisdiction of the United States.

''Operator'' means the Master of the vessel (cruise ship) and any other crew member responsible for cruise ship operations and navigation, as well as any person or entity (including a corporate entity) that authorizes or directs the use of a cruise ship (*e.g.,* as owner, lessee, or otherwise). A cruise ship operator may be either the cruise ship captain or the cruise line to which the cruise ship belongs, or both. The term ''Operator'' as used in this Order further incorporates the terms ''company,'' ''designated person,'' and ''responsible person'' as defined in 33 CFR 96.120.

Applicability

This Modification and Extension of No Sail Order and Other Measures Related to Operations shall apply only to the subset of carriers[14] described below and hereinafter referred to as ''cruise ships'':

All commercial, non-cargo,[15] passenger-carrying vessels with the capacity[16] to carry 250[17] or more individuals (passengers and crew) and with an itinerary anticipating an overnight stay onboard or a twenty-four (24) hour stay onboard for either passengers or crew that are operating[18] in international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States.[19]

This Order shall apply to cruise ships operating outside of U.S. waters if the cruise ship operator intends for the ship to return to operating in international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States during the period that this Order is in effect. The Order shall additionally apply regardless of whether the cruise ship operator has voluntarily agreed to suspend operations.

[6] Press Release, Holland America Line Extends Its Pause Of Cruise Operations To All Departures Through Dec. 15, 2020, *https://www.hollandamerica.com/en_US/news/2020-press-releases/news-08112020-FurtherPauseAug11_Dec1520.html* Last accessed September 30, 2020.

[7] *https://www.oceaniacruises.com/coronavirus-statement.* Last accessed September 30, 2020.

[8] Princess Cruises Extends Pause of Select Global Ship Operations Until December 15, *https://www.princess.com/news/notices_and_advisories/notices/global-ship-operations-pause-december-2020.html.* Last accessed September 30, 2020.

[9] A letter from Chairman Torstein Hagen—August 12, 2020, *https://www.vikingcruises.com/oceans/my-trip/current-sailings/index.html* Last accessed September 30, 2020.

[10] Windstar Cruises Travel Advisory—August 27, 2020, *https://www.windstarcruises.com/travel-health-advisory/* Last accessed September 30, 2020.

[11] No Sail Order and Suspension of Further Embarkation. *https://www.federalregister.gov/documents/2020/03/24/2020-06166/no-sail-order-and-suspension-of-further-embarkation.* Last accessed September 29, 2020.

[12] No Sail Order and Suspension of Further Embarkation; Notice of Modification and Extension and Other Measures Related to Operations. *https://www.federalregister.gov/documents/2020/04/15/2020-07930/no-sail-order-and-suspension-of-further-embarkation-notice-of-modification-and-extension-and-other.* Last accessed September 29, 2020.

[13] No Sail Order and Suspension of Further Embarkation. *https://www.federalregister.gov/documents/2020/07/21/2020-15810/no-sail-order-and-suspension-of-further-embarkation-second-modification-and-extension-of-no-sail.* Last accessed September 29, 2020.

[14] Carrier is defined by 42 CFR 71.1 to mean, ''a ship, aircraft, train, road vehicle, or other means of transport, including military.''

[15] Given the substantial risk of person-to-person transmission of COVID–19, as opposed to transmission via indirect contact, this Order is currently limited to passenger, non-cargo vessels.

[16] A ship's capacity shall be determined based on the number of persons listed in the U.S. Coast Guard Certificate of Inspection issued in accordance with 46 CFR 2.01–5 and that was in effect on July 16, 2020.

[17] Based on substantial epidemiologic evidence related to congregate settings and mass gatherings, this Order suspends operation of vessels with the capacity to carry 250 individuals or more. Evidence shows that settings as small as nursing homes or movie theaters can proliferate the spread of a communicable disease. As the numbers of passengers and crew on board a ship increase, certain recommended mitigation efforts such as social distancing become more difficult to implement. In light of the demonstrated rapid spread of COVID–19 in cruise ship settings, application of this Order to vessels carrying 250 or more individuals is a prudent and warranted public health measure.

[18] This Order does not apply to cruise ships that were in layup prior to March 14, 2020 and have continuously remained in lay-up status since that date.

[19] This Order shall not apply to vessels operated by a U.S. Federal or State government agency. Nor shall it apply to vessels being operated solely for purposes of the provision of essential services, such as the provision of medical care, emergency response, activities related to public health and welfare, or government services, such as food, water, and electricity.

Background on CDC Actions To Control the Spread of COVID–19 on Cruise Ships

Under the No Sail Order, as modified and extended on April 15 and July 16, 2020, cruise ship operations were limited, and cruise ship operators required to submit plans to prevent, mitigate, and respond to the spread of COVID–19 as a condition of obtaining or retaining controlled free pratique to engage in cruise ship operations in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States. Cruise ship operators were also required to submit No Sail Order (NSO) response plans that ensured a safe environment for crew to work and disembark, and that minimized the impact on U.S. government operations or the operations of any state or local government, or the U.S. healthcare system.

As of April 29, 2020, seven [20] cruise ship operators submitted NSO response plans representing 108 cruise ships or about 95% of cruise ships subject to the April 15, 2020, modification and extension. As of September 6, all five [21] cruise ship operators with ships remaining in U.S. waters have NSO response plans that are complete, accurate, and acknowledged. Only 31 out of the 108 ships (29%) that were in U.S. waters at the start of the NSO modification and extension on April 15 remain in U.S. waters as of September 28, 2020. Pending approval of a cruise ship operator's NSO response plan, CDC allowed cruise ship operators to disembark and repatriate crew members from cruise ships in U.S. waters if the operator attested to complying with requirements to disembark crew members through noncommercial means so as to minimize the risk to other travelers and communities. Through this non-commercial travel attestation process, CDC worked with cruise ship operators to assist in the disembarkation and safe return home of approximately 8,990 crew members, including 329 U.S. citizens and residents.

CDC published its *Interim Guidance for Mitigation of COVID–19 Among Cruise Ship Crew During the Period of the No Sail Order* to assist cruise ship operators in preventing, detecting, and medically managing confirmed and suspected cases of COVID–19 and exposures among crew members.[22] CDC also established an enhanced surveillance process to provide a more complete picture of COVID–19 activity on cruise ships. Under the *Interim Guidance,* CDC requires weekly submission of the ''Enhanced Data Collection (EDC) During COVID–19 Pandemic Form.'' [23]

COVID–19 often presents as mild illness and many cases are asymptomatic among people of all ages. When symptoms are present, they are nonspecific and similar to those of many other respiratory infections and noninfectious conditions such as seasonal allergies. CDC *Interim Guidance* recommended that cruise ships' surveillance include routine viral testing for COVID–19, including intermittent testing of a random sample of symptomatic and asymptomatic crew members. Viral tests diagnose acute infection; the U.S. Food and Drug Administration-authorized viral tests include those that detect SARS–CoV–2 nucleic acid (*i.e.,* polymerase chain reaction [PCR]) or antigen (a rapid test).

However, availability of such routine viral testing on cruise ships remains limited. For these reasons, CDC does not limit its data collection to just confirmed cases of COVID–19 but collects data on both confirmed cases and COVID-like illness. These data create a more accurate picture of the spread of COVID–19 and its effects in the United States and provide additional data to inform the national public health response. As of September 28, EDC reports have shown a total of 6,088 PCR tests performed, 294 (5%) of which were positive for COVID–19; 24 hospitalizations; two instances of mechanical ventilation; and 15 medical evacuations for crew on ships within U.S. jurisdiction since April 13, 2020.

CDC established a ''COVID–19 Color Coding System'' for ships applicable to cruise ship operators with an appropriate NSO response plan for crew management. Classification of ships under this system requires cruise company officials to sign an acknowledgment of the completeness and accuracy of their NSO response plans upon completion of CDC review of the plan. CDC additionally provides a provisional color status for ships belonging to cruise ship operators that do not yet have a complete and accurate plan. CDC assesses the status of a ship by reviewing surveillance data from the weekly EDC form as well as recent embarkations or crew transfers. Additional details regarding the color-coding system and color coding status for individual ships (which is updated weekly) may be found at *https://www.cdc.gov/coronavirus/2019-ncov/travelers/crew-disembarkations-commercial-travel.html.*

Since July 16, 2020, CDC has conducted implementation checks on 11 cruise ships operating in U.S. jurisdiction to review compliance with the NSO. These implementation checks showed that cruise ship operators were adhering to the requirements of the NSO and their NSO response plans.

Challenges and Limitations in Testing Crew on Cruise Ships During the NSO

While cruise ship operators have adhered to their NSO response plans during this time of suspended passenger operations, challenges remain. These challenges include the limitations of viral test results, including the possibility of false negative test results, the importance of crew quarantine in preventing disease spread, and concerns relating to reporting of symptoms by crew.

Two specific cases help illustrate these challenges. In the first case, following a cruise ship operator's policy to test all newly embarking crew prior joining a ship, a crew member was tested in his home country and found to be PCR-negative for COVID–19 prior to flying to the United States to board the ship. Pursuant to CDC recommendations, the crew member immediately began a 14-day quarantine in a private cabin, and other crew members sanitized his boarding pathway after embarkation. Approximately 9 hours later during a routine temperature check, the crew member was found dead in bed.[24] The cruise line contacted the decedent's family who reported that the crew member had a dry cough and itchy throat prior to traveling despite reporting no symptoms during the pre-boarding process. A postmortem nasopharyngeal swab was collected for PCR testing, and the result was positive for COVID–19.

[20] These operators included Bahamas Paradise Cruise Lines, Carnival Corporation, Disney Cruise Lines, Norwegian Cruise Line Holdings, Royal Caribbean Group, Virgin Voyages, and Windstar Cruises. MSC Cruises submitted an NSO response plan on May 7, 2020, covering three of its ships.

[21] Carnival Corporation, Virgin Voyages, and Windstar Cruises initially submitted NSO response plans but later withdrew their ships from U.S. waters. Accordingly, CDC has held its review of these NSO response plans in abeyance.

[22] CDC, *Interim Guidance for Mitigation of COVID–19 Among Cruise Ship Crew During the Period of the No Sail Order* at: *https://www.cdc.gov/quarantine/cruise/management/interim-guidance-no-sail-order.html.*

[23] This EDC Form is used to conduct surveillance for COVID–19 among crew who remain on board cruise ships using cumulative reports of acute respiratory illness (ARI), influenza-like illness (ILI), and pneumonia, and other clinical indicators.

[24] This case is included in CDC's count of deaths from COVID–19 based on the positive PCR test result and lack of any other apparent explanation for the cause of death.

In the second case, another crew member onboard the same ship was tested in his home country and was also PCR-negative for COVID–19 prior to flying to the United States to board the ship. Again, pursuant to CDC recommendations, the crew member immediately began a 14-day quarantine in a private cabin, and other crew members sanitized his boarding pathway after embarkation. During this quarantine period, the crew member developed symptoms of nasal congestion and upon examination was found to have a rapid heart rate without a fever. When the cruise ship performed PCR testing of all 174 crew, this crew member was the only one who tested positive for COVID–19, indicating that the crew member became infected in the crew member's home country before travel.

These cases illustrate the importance of the 14-day quarantine period for embarking crew and how test results cannot eliminate the need for or reduce the length of quarantine. Testing represents a snapshot in time. A negative test result means that the virus that causes COVID–19 was not found in the sample collected. However, it is possible for any test to give a negative result that is incorrect (''false negative'') in some people with COVID–19; testing may also be negative while a person is in the 2–14-day incubation period for COVID–19. The accuracy of any diagnostic test depends on many factors, including whether the sample was collected properly, whether the sample was maintained in appropriate conditions while it was shipped to the laboratory, and when during the course of the infection the testing was conducted.

When viral testing is negative, the possibility of a false negative result should be considered in the context of the individual's recent exposures and the presence of clinical signs and symptoms consistent with COVID–19. The possibility of a false negative result should be considered especially if recent exposures or clinical presentation indicate that COVID–19 is likely, and diagnostic tests for other causes of illness (*e.g.,* other respiratory illness) are negative. If COVID–19 is still suspected based on exposure history together with other clinical findings, re-testing should be considered by healthcare providers in consultation with public health authorities.

As these cases illustrate, a single negative test result cannot be used to rule out the possibility of COVID–19, especially if the individual may have been recently exposed to the virus or is displaying symptoms. Relying on crew testing alone without quarantine would not have been enough to prevent these two infected crew members from exposing others onboard. Despite preboarding screening efforts, one of these crew members was also reluctant to report symptoms. These factors should be considered carefully by cruise ship operators in planning for an eventual return to passenger operations.

Dangers of Prematurely Resuming Passenger Operations on Cruise Ships

There have been several recent instances of outbreaks of COVID–19 onboard cruise ships in those countries that have allowed passenger operations to resume, despite cruise ship operators implementing measures to control the disease. On the Hurtigruten cruise ship *MS Roald Amundsen,* 41 crew members and 21 passengers were confirmed to have COVID–19 after two voyages occurring between July 17–24 and July 25–31 in Norway.[25] The ship had 209 passengers on the first voyage and 178 on the second.[26] The cruise ship operator permitted passengers to disembark on July 31, before the announcement of the outbreak, potentially spreading the virus to dozens of towns and villages along Norway's western coast and setting off an effort by public health authorities to trace and locate the nearly 400 potentially exposed passengers.[27] While the outbreak onboard the *MS Roald Amundsen* is still under investigation, Hurtigruten has revealed that its internal review ''uncovered several deviations from procedures, for example when it comes to quarantining foreign crews and the internal flow of important information.'' [28]

Cases of COVID–19 have also been documented on other cruise ships that have attempted to resume passenger operations. The SeaDream Yacht Club temporarily halted cruising onboard the *SeaDream I* in July after a passenger who had previously shown no symptoms disembarked from the ship and tested positive for COVID–19 upon returning to his home country of Denmark.[29] The Tahiti-based Paul Gauguin cruises had a passenger test positive for COVID–19 just three days into its first voyage with international passengers.[30] The incident required the French Polynesia High Commission to initiate a contact-tracing investigation to determine who may have been exposed to the passenger in question.[31] About 148 passengers and 192 crew members were on board the cruise ship at the time.[32] In late July, ten crew members on board AIDA Cruises' *AIDAblu* and *AIDAmar* tested positive for COVID–19 after boarding in Rostok, Germany.[33] In the United States, Uncruise Adventures canceled its remaining voyages in Alaska after a passenger on board the 60-person [34] passenger vessel *Wilderness Adventurer* tested positive for COVID–19.[35] The incident necessitated a contact tracing investigation by Alaska public health authorities and the quarantine of passengers at a hotel in Juneau and of crew on board the ship.[36]

In the above examples, cruise ship operators had health and safety protocols to prevent the transmission and spread of COVID–19. The protocols adopted by the Hurtigruten included new sanitation measures, elimination of self-serve buffet dining, implementation of onboard social distancing procedures, operating at 50% capacity, a preboarding health questionnaire, and restricted shore excursions.[37] While investigations are still ongoing, the statement by Hurtigruten's CEO that the company failed to abide by its own

[25] *Hurtigruten crew members and guests test positive for COVID–19, https://www.hurtigruten.com/practical-information/coronavirus-update/ra31072020/.* Last accessed September 30, 2020.

[26] AP News, *Outbreak hits Norway cruise ship, could spread along coast, https://apnews.com/781a3fa3faabde06d44749bfe57139da.* Last accessed September 30, 2020.

[27] Maritime Executive, *Hurtigruten's COVID–19 Fallout Continues, https://www.maritime-executive.com/index.php/article/fallout-continues-from-hurtigruten-s-covid-19-incident.* Last accessed September 30, 2020.

[28] *The COVID–19 situation: Update from Hurtigruten, https://presse.hurtigruten.no/pressreleases/the-covid-19-situation-update-from-hurtigruten-3024635.* Last accessed September 30, 2020.

[29] Travel Weekly, *Another small-ship line reports a passenger with a positive Covid test, https://www.travelweekly.com/Cruise-Travel/SeaDream-reports-passenger-with-a-positive-Covid-test.* Last accessed September 30, 2020.

[30] The Maritime Executive, *One Suspected COVID–19 Case On Cruise Ship Paul Gauguin, https://www.maritime-executive.com/article/one-suspected-covid-19-case-on-cruise-ship-paul-gauguin.* Last accessed September 30, 2020.

[31] *Id.*

[32] *Id.*

[33] USA Today, *Ten AIDA cruise crew members test positive for COVID–19; ships will still sail in August, https://www.usatoday.com/story/travel/cruises/2020/07/28/aida-cruises-crew-members-test-positive-covid-19/5525310002/.* Last accessed September 30, 2020.

[34] This is below the capacity established by the NSO for passenger-carrying vessels.

[35] Uncruise Adventures, Press Release, *https://www.uncruise.com/about-us/media/press-releases/covid-cruise-not-uncruise-adventures.* Last accessed September 30, 2020.

[36] *Id.*

[37] *https://www.hurtigruten.com/practical-information/health-and-safety-on-board/.* Last accessed September 30, 2020.

protocols [38] suggests a need for further education, training, and experience in implementing new health and safety protocols prior to resuming passenger operations in any significant capacity.

In these examples, even when health and safety protocols were apparently observed, resuming passenger operations significantly burdened public health authorities by creating the need for additional testing, contact tracing, and quarantine. While the SeaDream Yacht Club has claimed that the passenger on board the *SeaDream I* was a ''false positive,'' a statistically rare event,[39] the incident still necessitated the quarantine of passengers and non-essential crew as directed by the Norwegian Directorate of Health as a public health precaution.[40] Paul Gauguin cruises required passengers to present proof of a negative COVID–19 test (PCR) at embarkation, excluding residents and visitors who had been in French Polynesia for more than 14 days,[41] yet the French Polynesia High Commission still conducted a lengthy contact investigation after a passenger later tested positive. The ship was carrying approximately 148 passengers (less than half of its 332-guest capacity) and 192 crew members at the time of the outbreak.[42] In the case of the AIDA cruise ships, all ten crew members initially tested negative in their home countries of Indonesia and the Philippines, yet when retested upon arrival in Germany were determined to be positive and required isolation on board the cruise ships.[43] A quarantine under the supervision of the local public health authority was similarly required when a passenger who had tested negative upon boarding the Uncruise Adventures' *Wilderness Adventurer* subsequently tested positive. In these examples, voyages were cancelled, passengers and crew quarantined or isolated, and contact tracing investigations conducted for those on the ship and for passengers who had returned to their home communities.

More Time Needed To Assess Effectiveness of Proposed Public Health Interventions Prior to Resuming Passenger Operations

Cruise ship operators have taken steps to advance their public health response to COVID–19, improve safety, and achieve readiness to safely resume passenger operations. Under the co-chairmanship of former Health and Human Services Secretary Michael O. Leavitt, two cruise lines, Royal Caribbean Group and Norwegian Cruise Line Holdings, assembled a ''Healthy Sail Panel'' of subject-matter experts from a variety of disciplines.[44] The World Travel & Tourism Council (WTTC) and Carnival Corporation also recently hosted a global science summit on COVID–19 designed, ''to inform practical, adaptable and science-based solutions for mitigating and living with COVID–19.'' [45] MSC Cruises further established its own industry-led panel with ''competency to review policy initiatives, technical innovations, or operational measures related to COVID–19,'' [46] *and will presumably implement these recommendations as its passenger operations continue to resume in the Mediterranean with residents of Schengen countries.*[47] *At the moment, however, it is too early to assess whether these initiatives will produce a viable set of policies and practices that will mitigate the transmission and spread of COVID–19 onboard cruise ships while minimizing the potential burden and need for public health response activities.*

To gather more information regarding these industry-led efforts and solicit public input, on July 20, 2020, CDC published a Request for Information (RFI) in the **Federal Register** related to cruise ship planning and infrastructure, resumption of passenger operations, and additional summary questions.[48] The document had a comment period that ended on September 21, 2020 and almost 13,000 comments were received. In light of the number of submissions and high level of public interest, additional time is needed for CDC to review these comments, which may be used to inform future public health guidance and preventive measures relating to travel on cruise ships.

Findings and Immediate Action

The continued spread of the COVID–19 pandemic worldwide, risk of resurgence in countries that have suppressed transmission, ongoing concerns related to the restart of cruising internationally, and need for additional time to assess industry measures to control potential COVID–19 onboard cruise ships with passengers without burdening public health, support continuing to defer resumption of passenger operations at this time.

Accordingly, and consistent with 42 CFR 70.2, 71.31(b), and 71.32(b), the Director of CDC (''Director'') continues to find that cruise ship travel exacerbates the global spread of COVID–19, that the scope of this pandemic is inherently and necessarily a problem that is international and interstate in nature, and such transmission has not been controlled sufficiently by the cruise ship industry or individual State or local health authorities. As described in the March 14, 2020, Order, cruise ship travel markedly increases the risk and impact of the COVID–19 disease epidemic within the United States. If unrestricted cruise ship passenger operations were permitted to resume, infected and exposed persons disembarking cruise ships would place federal partners (*e.g.,* Customs and Border Protection and the U.S. Coast Guard), healthcare workers, port personnel, and communities at substantial unnecessary risk.

The Director also continues to find evidence to support a reasonable belief that cruise ships are or may be infected or contaminated with a quarantinable communicable disease.[49] This

[38] Seatrade Cruise News, *'Mistakes were made . . . We failed' to follow own coronavirus protocols: Hurtigruten CEO, https://www.seatrade-cruise.com/news/mistakes-were-made-we-failed-follow-own-coronavirus-protocols-hurtigruten-ceo.* Last accessed September 30, 2020.

[39] Watson J, Whiting PF, Brush JE. Interpreting a covid-19 test result. BMJ 2020; 369: m1808. doi: *https://www.bmj.com/content/369/bmj.m1808.* Last accessed September 30, 2020.

[40] The Maritime Executive, *Third Cruise Ship in a Week Reports COVID–19 Situation in Norway, https://www.maritime-executive.com/article/third-cruise-ship-in-a-week-reports-covid-19-situation-in-norway.* Last accessed September 30, 2020.

[41] *https://www.pgcruises.com/travel-advisory.* Last accessed September 30, 2020.

[42] *Paul Gauguin Ship Returns to Port After Suspected COVID–19 Case, https://www.msn.com/en-us/travel/news/paul-gauguin-ship-returns-to-port-after-suspected-covid-19-case/ar-BB17wniX.* Last accessed September 30, 2020.

[43] Crew Center, *10 Crew Members of AIDA Cruises Test Positive for COVID–19, https://crew-center.com/10-crew-members-aida-cruises-test-positive-covid-19.* Last accessed September 30, 2020.

[44] *https://www.rclcorporate.com/royal-caribbean-group-and-norwegian-cruise-line-holdings-form-healthy-sail-panel/.* Last accessed September 30, 2020.

[45] Press Release, *https://www.carnivalcorp.com/news-releases/news-release-details/world-leading-experts-headline-covid-19-summit-hosted-wttc.* Last accessed September 30, 2020.

[46] MSC Cruise Announces Blue-Ribbon COVID Expert Group, Engages Specialized Maritime Classification Society to Provide Third-Party Verification That Its Protocol Meets Established Guidance, *https://www.msccruisesusa.com/news/blue-ribbon-covid-expert-group.* Last accessed September 30, 2020.

[47] Cruise Critic News, MSC Cruises Restarts Cruising in the Mediterranean, *https://www.cruisecritic.com/news/5533/.* Last accessed September 30, 2020.

[48] Request for Information Related to Cruise Ship Planning and Infrastructure, Resumption of Passenger Operations, and Summary Questions, *https://www.federalregister.gov/documents/2020/07/21/2020-15812/request-for-information-related-to-cruise-ship-planning-and-infrastructure-resumption-of-passenger.* Last accessed September 30, 2020.

[49] COVID–19 is a communicable disease for which quarantine is authorized under Section 361 of the Public Health Service Act (42 U.S.C. 264) and

reasonable belief is based on information from epidemiologic and other data included in this document and the information described in the March 14, 2020, Order and the April 15 and July 16, 2020, modifications and extensions. As a result, persons on board or seeking to board cruise ships may likely be or would likely become infected with or exposed to COVID–19 by virtue of being on board at a time when cases of COVID–19 continue to be reported in increasingly significant numbers globally.[50] Additionally, persons infected on cruise ships would be likely to transmit COVID–19 to U.S. communities by traveling interstate after cruising.

Accordingly, under 42 CFR 70.2, the Director determines that measures taken by State and local health authorities regarding COVID–19 onboard cruise ships are inadequate to prevent the further interstate spread of the disease.

This Order is not a rule within the meaning of the Administrative Procedure Act (''APA''), but rather an emergency action taken under the existing authority of 42 CFR 70.2, 71.31(b), and 71.32(b). In the event that this Order qualifies as a rule under the APA, notice and comment and a delay in effective date are not required because there is good cause to dispense with prior public notice and the opportunity to comment on this Order.[51] Considering the public health emergency caused by COVID–19 based on, among other things, its potential for spread on board cruise ships, it would be impracticable and contrary to the public's health, and by extension the public's interest, to delay the issuance and effective date of this Order. Similarly, if this Order qualifies as a rule per the definition in the APA, the Office of Information and Regulatory Affairs has determined that it would be a major rule, but there would not be a delay in its effective date as the agency has invoked the good cause provision of the APA.

If any provision in this Order, or the application of any provision to any carriers, persons, or circumstances, shall be held invalid, the remainder of the provisions, or the application of such provisions to any carriers, persons, or circumstances other than those to which it is held invalid, shall remain valid and in effect.

In accordance with 42 U.S.C. 264(e), this Order shall supersede any provision under State law (including regulations and provisions established by political subdivisions of States), that conflict with an exercise of Federal authority, including instructions by U.S. Coast Guard or HHS/CDC personnel permitting ships to make port or disembark persons under stipulated conditions, under this Order.

This Order shall be enforceable through the provisions of 18 U.S.C. 3559, 3571; 42 U.S.C. 243, 268, 271; and 42 CFR 70.18, 71.2.

Therefore, in accordance with Sections 361 and 365 of the Public Health Service Act (42 U.S.C. 264, 268) and 42 CFR 70.2, 71.31(b), 71.32(b), for all cruise ships described above for the period described below, it is *ordered:*

Measures Related To Protecting Public Health of Communities Signed on March 14, 2020

These measures were implemented to provide public health authorities, in concert with the cruise ship industry, the necessary pause in operations to develop and implement an appropriate and robust plan (1) to prevent and mitigate the further spread of COVID–19 in communities, and (2) to prevent the spread of the disease onboard and ensure the health of cruise ship passenger and crew.

Accordingly, the following terms and conditions of the *No Sail Order and Other Measures Related to Operations* signed on March 14, 2020, as modified and extended by this *order, shall remain in effect.* Consequently, it remains *ordered:*

1. Cruise ship operators shall not disembark or reembark crew members except as directed by the USCG, in consultation with HHS/CDC personnel and, as appropriate, as coordinated with Federal, State, and local authorities.

2. Cruise ship operators shall not embark any new passengers or crew, except as approved by USCG, or other Federal authorities as appropriate, in consultation with HHS/CDC personnel.

3. While in port, the cruise ship operator shall observe health precautions as directed by HHS/CDC personnel.

4. The cruise ship operator shall comply with all HHS/CDC, USCG, and other Federal agency instructions to follow CDC recommendations and guidance for any public health actions relating to passengers, crew, ship, or any article or thing on board the ship, as needed, including by making ships' manifests and logs available and collecting any specimens for COVID–19 testing.

Measures Related to Protecting Public Health and Crew Safety Signed on April 9, 2020, and Made Effective on April 15, 2020

These measures were implemented to, among other things, ensure a safe environment for crew members to work and disembark by requiring the submission of appropriate NSO response plans by cruise ship operators as a condition of obtaining controlled free pratique[52] to continue to engage in any cruise ship operations in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States.

Accordingly, the terms and conditions of the *Modification and Extension of No Sail Order and Other Measures Related to Operations,* intended to protect public health and crew safety, signed on April 9, 2020, and made effective on April 15, 2020, as modified and extended by this *order, shall remain in effect.* Consequently, it remains *ordered:*

1. As a condition of obtaining controlled free pratique to continue to engage in any cruise ship operations in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States, cruise ship operators shall develop, implement, and operationalize, an appropriate, actionable, and robust plan to prevent, mitigate, and respond to the spread of COVID–19 among crew onboard cruise ships.

2. As a condition of obtaining controlled free pratique to continue to engage in any cruise ship operations in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States, the cruise ship operator shall make the plan described in paragraph 1, above, available to HHS/CDC and USCG personnel.

3. An appropriate plan is one that adequately prevents, mitigates, and responds to the spread of COVID–19 among crew onboard cruise ships and that, at a minimum, addresses the following elements:

a. Onboard surveillance of crew with acute respiratory illnesses, influenza-like illnesses, pneumonia, and COVID–19, including reporting to HHS/CDC on a weekly basis on overall case counts, methods of testing, and number of crew requiring hospitalization or medical evacuation;

42 CFR 70.1, 71.1, as listed in Executive Order 13295, as amended by Executive Orders 13375 and 13674.

[50] Since the March 14, 2020, Order, the number of global cases of COVID–19 reported by the World Health Organization (WHO) has risen from 142,534 to more than 33 million as of September 28, 2020, with more than 1 million deaths. *See* Situation Reports, WHO, *https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports.*

[51] *See* 5 U.S.C. 553(b)(B), (d)(3).

[52] Under 42 CFR 71.1, controlled free pratique means permission for a carrier to enter a U.S. port, disembark, and begin operation under certain stipulated conditions.

b. Reports on the number of crew onboard the cruise ship and any increase in the numbers of crew with COVID–19 made to HHS/CDC and USCG on a daily basis for as long as the cruise ship is within waters subject to the jurisdiction of the United States.

c. Onboard monitoring of crew through temperature checks and medical screening, including addressing frequency of monitoring and screening;

d. Training of all crew on COVID–19 prevention, mitigation, and response activities;

e. Protocols for any COVID–19 testing, including details relating to the shore-side transport, administration, and operationalization of laboratory work if onboard laboratory work is not feasible;

f. Onboard isolation, quarantine, and social distancing protocols to minimize the risk of transmission and spread of COVID–19;

g. Onboard medical staffing, including number and type of staff, and equipment in sufficient quantity to provide a hospital level of care (*e.g.,* ventilators, facemasks, personal protective equipment) for the infected so as to minimize the need for hospitalization onshore;

h. An outbreak management and response plan to provision and assist an affected cruise ship that relies on industry resources, *e.g.,* mobilization of additional cruise ships or other vessels to act as ''hospital'' ship for the infected, ''quarantine'' ship for the exposed, and ''residential'' ship for those providing care and treatment, including the ability to transport individuals between ships as needed;

i. Categorization of affected crew into risk categories with clear stepwise approaches for care and management of each category;

j. A medical care plan addressing onboard care versus evacuation to on-shore hospitals for critically ill crew, specifying how availability of beds for critically ill at local hospitals will be determined in advance and how the cruise ship operator will ensure acceptance at local medical facilities to treat the critically ill in a manner that limits the burden on Federal, State, and local resources and avoids, to the greatest extent possible, medivac situations. If medical evacuation is necessary arrangements for evacuation must be made with commercial resources (*e.g.,* ship tender, chartered standby vessel, chartered airlift) and arrangements made with a designated medical facility that has agreed to accept such evacuees. All medical evacuation plans must be coordinated with the U.S. Coast Guard;

k. Detailed logistical planning for evacuating and repatriating both U.S. citizens and foreign nationals to their respective communities and home countries via foreign government or industry-chartered private transport and flights, including the steps the cruise ship operator will take to ensure those involved in the transport are not exposed (*i.e.,* without the use of commercial flights to evacuate or repatriate individuals, whether within or from the United States);

l. The projected logistical and resource impact on State and local government and public health authorities and steps taken to minimize the impact and engage with these authorities; all plans must provide for industry/cruise line management of suspected or confirmed cases of COVID–19 without resource burden on Federal, State, or local governments;

m. Plan execution in all U.S. geographical areas—all plans must be capable of being executed anywhere in international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States; and

n. Cleaning and disinfection protocols for affected cruise ships.

4. An appropriate plan shall be designed to minimize, to the greatest extent possible, any impact on U.S. government operations or the operations of any State or local government, or the U.S. healthcare system.

5. The cruise ship operator shall further ensure that the plan is consistent with the most current CDC recommendations and guidance for any public health actions related to COVID–19. Where appropriate, a cruise ship operator may coordinate the development, implementation, and operationalization of a plan with other cruise ship operators, including an industry trade group.

Measures Related to Continued Protection of Public Health and Crew Safety Signed on July 16, 2020, as Modified and Extended by This Order

These measures were intended to continue to protect U.S. communities, ensure a safe environment for crew to work and disembark, and defer the embarkation of passengers until there is a clear pathway for a safe return to passenger operations.

Accordingly, the terms and conditions of the *Second Modification and Extension of No Sail Order and Other Measures Related to Operations,* signed on July 16, 2020, as modified and extended by this *order, shall remain in effect.*

Consequently, it remains *ordered:*

1. Cruise ship operators shall continue to suspend passenger operations and not embark passengers, except as approved by HHS/CDC personnel and USCG, in consultation with other federal authorities as appropriate.

2. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States, cruise ship operators shall continue to follow CDC's *Interim Guidance for Mitigation of COVID–19 Among Cruise Ship Crew During the Period of the No Sail Order,* including reporting to HHS/CDC through weekly submission of the Enhanced Data Collection (EDC) form, as may be updated. Additionally, cruise ship operators shall report to USCG via Advance Notice of Vessel Arrival (ANOA), whenever in U.S. waters.

3. For cruise ship operators with ships that have not been in U.S. waters during the period of the No Sail Order or voluntarily withdrew their ships, the following conditions must be met prior to a ship returning to U.S. waters: (1) submission of the EDC form for 28-days preceding expected arrival in U.S. waters; and (2) having a complete and accurate NSO response plan, including having submitted to CDC a signed *Acknowledgment of No Sail Order Response Plan Completeness and Accuracy.*

4. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States, cruise ship operators with appropriate NSO response plans shall continue to follow the *COVID–19 Color Coding System for Cruise Ships During the Period of the No Sail Order* requiring preventive measures for crew onboard based on the ship's status, as determined by HHS/CDC.

5. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States, cruise ship operators with appropriate NSO response plans shall conduct viral testing for COVID–19 for crew in such a manner as described in the relevant CDC guidance with reporting of results on the EDC form.

6. As a condition of obtaining or retaining controlled free pratique to operate in any international, interstate, or intrastate waterways that are subject to the jurisdiction of the United States, cruise ship operators must observe the requirements of this Order, the previous Orders, and the most current CDC

recommendations and guidance for any public health actions related to COVID–19, even when outside of U.S. waters for any ships that intend to return to U.S. waters during the period that this Order remains in effect.

This Order is effective upon signature and shall remain in effect until the earliest of (1) the expiration of the Secretary of Health and Human Services' declaration that COVID–19 constitutes a public health emergency; (2) the CDC Director rescinds or modifies the order based on specific public health or other considerations; or (3) October 31, 2020.

Authority: The authority for these orders is Sections 361 and 365 of the Public Health Service Act (42 U.S.C. 264, 268) and 42 CFR 70.2, 71.31(b), 71.32(b).

Dated: October 1, 2020.

Nina B. Witkofsky,

Acting Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2020–22030 Filed 10–1–20; 11:15 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–1602]

Revocation of Authorizations of Emergency Use of In Vitro Diagnostic Devices for Detection of Antibodies Against SARS-CoV–2, the Virus That Causes Coronavirus Disease 2019 (COVID–19)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the revocations of the Emergency Use Authorizations (EUAs) (the Authorizations) issued to Autobio Diagnostics Co. Ltd. (''Autobio'') for the Anti-SARS-CoV–2 Rapid Test (''Autobio's Test'') and to Manufacturers and Other Stakeholders (''Stakeholders'') for certain in vitro diagnostic SARS-CoV–2 Antibody Tests. FDA revoked Autobio's Authorization on August 6, 2020, and the Stakeholders' Authorization on July 21, 2020, under the Federal Food, Drug, and Cosmetic Act (FD&C Act). The revocations, which include an explanation of the reasons for each revocation, are reprinted in this document.

DATES: Autobio's Authorization is revoked as of August 6, 2020. The Stakeholders' Authorization is revoked as of July 21, 2020.

ADDRESSES: Submit written requests for single copies of the revocations to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4338, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a Fax number to which the revocations may be sent. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revocations.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Ross, Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4332, Silver Spring, MD 20993–0002, 240–402–8155 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb–3) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. On April 24, 2020, FDA issued an EUA for Autobio's Anti-SARS-CoV–2 Rapid Test, subject to the terms of the Authorization. On April 28, 2020, FDA issued an EUA to Stakeholders, for certain in vitro diagnostic SARS-CoV–2 Antibody Tests (lateral flow or enzyme-linked immunosorbent assay tests to detect IgG only, IgG and IgM, or total antibodies in human plasma and/or serum) for use at laboratories certified under the Clinical Laboratory Improvement Amendments of 1988, 42 U.S.C. 263a, to perform moderate or high complexity tests. Notice of the issuance of the Authorizations was published in the **Federal Register** on July 14, 2020 (85 FR 42407), as required by section 564(h)(1) of the FD&C Act. Subsequent to the issuance of the Authorization for Autobio's Test, FDA considered new information, including from an independent evaluation of Autobio's Test from the National Institute of Health's Frederick National Laboratory for Cancer Research, part of the National Cancer Institute (the ''NCI study''), demonstrating performance below the performance information submitted in Autobio's original EUA request and reflected in the authorized labeling for Autobio's Test. Subsequent to the Stakeholders' Authorization, FDA considered that no device had been listed under the EUA and that FDA may issue individual EUAs instead.

II. EUA Criteria for Issuance No Longer Met and Other Circumstances Make Revocation Appropriate To Protect the Public Health or Safety

Under section 564(g)(2)(B) and (C) of the FD&C Act, the Secretary of HHS may revoke an EUA if, among other things, the criteria for issuance are no longer met or other circumstances make such revocation appropriate to protect the public health or safety. On August 6, 2020, FDA revoked the EUA for Autobio's Test because the criteria for issuance were no longer met and other circumstances make such revocation appropriate to protect the public health or safety. Under section 564(c)(2) of the FD&C Act, an EUA may be issued only if FDA concludes that, based on the totality of scientific evidence available, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that the product may be effective in diagnosing, treating, or preventing such disease or condition and that the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product.

Given the poor device performance observed in the NCI study since the issuance of the Authorization for Autobio's Test, FDA has concluded it is not reasonable to believe the product may be effective in detecting antibodies against SARS-CoV–2 or that the known and potential benefits of the device outweigh its known and potential risks. In addition, based on the same information and the risks to public health from false test results, FDA has concluded under section 564(g)(2)(C) of the FD&C Act that other circumstances make revocation appropriate to protect the public health or safety. Accordingly, FDA has revoked EUA200349 for Autobio's Anti-SARS-CoV–2 Rapid Test, pursuant to section 564(g)(2)(B) and (C) of the FD&C Act. On July 21, 2020, FDA revoked the EUA for Stakeholders' certain in vitro diagnostic SARS-CoV–2 Antibody Tests because other circumstances make such revocation appropriate to protect the public health or safety (section 564(g)(2)(C) of the FD&C Act), considering that no device has been listed under the EUA, and FDA can issue individual EUAs instead.

III. Electronic Access

An electronic version of this document and the full text of the revocations are available on the internet

at *https://www.regulations.gov/, https://www.fda.gov/media/140351/download* and *https://www.fda.gov/media/140908/download.*

IV. The Revocations

Having concluded that the criteria for revocation of the Authorizations under section 564(g) of the FD&C Act are met, FDA has revoked the EUAs for Autobio's Anti-SARS-CoV–2 Rapid Test and Stakeholders' certain in vitro diagnostic SARS-CoV–2 Antibody Tests. The revocations in their entirety follow and provide an explanation of the reasons for each revocation, as required by section 564(h)(1) of the FD&C Act.

BILLING CODE 4164–01–P

U.S. FOOD & DRUG ADMINISTRATION

August 6, 2020

Autobio Diagnostics Co. Ltd.
c/o Andre Hsiung
Hardy Diagnostics
1430 West McCoy Lane
Santa Maria, CA 93455

Re: Revocation of EUA200349

Dear Mr. Hsiung:

This letter is to notify you of the revocation of EUA200349, the Emergency Use Authorization (EUA) for Autobio Diagnostics Co. Ltd.'s (you, your, or Autobio's) Anti-SARS-CoV-2 Rapid Test, issued on April 24, 2020. The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2)(B) and (C) of the Act, be revoked when the criteria in section 564(c) for issuance of such authorization are no longer met, or other circumstances make such revocation appropriate to protect the public health or safety. FDA has decided to revoke your EUA based on both of these grounds.

On April 24, 2020, FDA authorized the emergency use of Autobio's Anti-SARS-CoV-2 Rapid Test for the qualitative detection and differentiation of IgM and IgG antibodies to SARS-CoV-2 in human plasma from anticoagulated blood (Heparin/ EDTA/ sodium citrate) or serum as an aid in identifying individuals with an adaptive immune response to SARS-CoV-2, indicating recent or prior infection. The authorized labeling for your test included clinical performance estimates, for all samples collected regardless of time since symptom onset, of 85.43% (346/405) positive percent agreement (PPA) for IgM, 86.17% (349/405) PPA for IgG, 88.15% (357/405) PPA for combined IgM/IgG, and 99.04% (309/312) negative percent agreement (NPA) for combined IgM/IgG. For samples collected 15 or more days after onset of symptoms, the performance estimates were 95.7% (289/302) PPA for IgM, 99.0% (299/302) PPA for IgG, and 99.0% (299/302) PPA for combined IgM/IgG.

FDA determined that the Anti-SARS-CoV-2 Rapid Test may be effective for the qualitative detection and differentiation of IgM and IgG antibodies to SARS-CoV-2 in human plasma from anticoagulated blood (Heparin/ EDTA/ sodium citrate) or serum, and that the known and potential benefits of the test outweigh the known and potential risks for its use, based on the information available to the Agency at the time of that determination, including clinical performance data submitted by Autobio. Based on the results of new testing, FDA has determined that the Anti-SARS-CoV-2 Rapid Test does not meet current clinical performance estimates for serology tests that are generally necessary to satisfy the effectiveness and risk/benefit standards for issuance of an EUA. Specifically, the Agency has concluded that it is unlikely that this test is effective in detecting SARS-COV-2 IgM antibodies and that the known and potential benefits of its use do not outweigh the known and potential risks.

Therefore, the Agency believes that the criteria for issuance of an authorization are no longer met and is revoking the EUA.

As you know, after authorization of EUA for your device, its performance was evaluated at the National Institutes of Health's (NIH) Frederick National Laboratory for Cancer Research (FNLCR), part of the National Cancer Institute (NCI), using a well-characterized sample panel of 30 positive and 80 negative human plasma and serum specimens (referred to herein as the NCI evaluation). The evaluation was performed on June 24, 2020. As we first explained to you on July 6, 2020, the IgM sensitivity reported In the NCI study was 50% (15/30), while the IgM sensitivity in your device's labeling is 85.43% (346/405) for all samples collected regardless of time since symptom onset, and 95.7% (289/302) for samples collected 15 or more days after symptom onset. FDA requested that you reply with information adequate to demonstrate that the health risks posed by the device performing differently than the labeled performance can be adequately mitigated/addressed in a timely manner.

On July 8, 2020, you provided a written response that summarized your investigations into the poor observed IgM performance in the NCI evaluation and proposed different potential mitigations. You proposed that a combination of factors could have contributed to the low IgM PPA/sensitivity observed in the NCI evaluation, as follows:

1. You proposed that the device's (b) (4) [redacted] such that it is possible that (b) (4) [redacted] In this scenario, you proposed that (b) (4) [redacted] You proposed that (b) (4) [redacted]

2. You indicated that the SARS-CoV-2 (b) (4) [redacted] domain was selected as a capture antigen for the device to focus on an IgM detection window in an early and acute infection period defined as two-to-three weeks after symptom onset. Other antigens such as the (b) (4) [redacted] were rejected during test design based on indications that these antigens would likely extend IgM detection beyond the three-week period that you considered desirable for the test.

3. You noted that the average number of days post symptom onset for the 15 false negative samples was 29.9 days, and that the NCI samples contained low IgM titers (100 and 400). (b) (4) [redacted] (b) (4) [redacted]

You also cited other independent investigations in support of your test's performance. This included tables and figures taken from the following publications:

- The Lassaunière, et al pre-print (medRxiv 2020.04.09.20056325) included data from your test on a panel of 30 positive serum samples from PCR positive patients and 32 negative serum samples. Your test's performance was only summarized for IgM/IgG combined, and so the article does not directly address IgM detection concerns.

- The Demey B, et al. article (J Infect. 2020;81(2):e6-e10.) described a study serially testing 22 PCR positive patients with your test up to 24 days after symptom onset. Table 1 reported Autobio test IgM sensitivity up to 86.36% (19/22 subjects) on day 14 through day 24 after symptom onset.
- The Candel FJ, et al. article (Rev Esp Quimioter. 2020;33(4):258-266.) described a study in samples tested from 35 PCR positive patients between days 16 – 48 after symptom onset. In this study, your test's IgM detection > 15 days after symptom onset was 74% (26/35).

You also cited data from other sources:
(b) (4) [redacted]

The additional information you provided represents an assortment of data from studies with varying levels of documentation and rigor. Based on the limited information available, we were unable to fully assess these studies. Some data were derived from serially sampling the same PCR positive individuals over time to assess IgM detection, and some appears to be from testing single samples collected from unique individuals, similar to the studies described in the authorized labelling. In the additional studies, IgM detection for samples collected more than 14 days after symptom onset ranged from 74% - 86%. This is higher than the performance observed with the NCI sample set; however, this is significantly lower than IgM performance reported in the authorized labeling when considering the similar subset of samples collected 15 or more days after symptom onset (i.e., IgM PPA 95.7%, 289/302, 95% CI: 92.8 - 97.5%).

In your July 8 email, you proposed the following mitigations:

1. You proposed to modify (b) (4) [redacted] the instructions for use to reduce the likelihood of (b) (4) [redacted] You proposed to re-test the NCI panel with the same device lot (b) (4) [redacted]
2. You proposed to re-design the plastic cassette housing to (b) (4) [redacted]
3. You indicated that you could re-design (b) (4) [redacted].

On July 16, 2020, you also proposed the following possible revisions to the instructions for use (b) (4) [redacted]

1. Revising the (b) (4) [redacted]
2. Revising the intended use to indicate that the IgM portion of the device is specifically designed "for

the detection of IgM in the early stages of the disease process and not during the rehabilitation stages."

Your proposed actions do not adequately address FDA concerns regarding the authorized device, as discussed below.

Your proposal to modify (b) (4) the package insert (b) (4) (b) (4) would not ensure that the high IgM false negative rate would not continue to occur during clinical use. (b) (4) (b) (4) (b) (4) Even assuming your theory were correct, this would indicate a design flaw that makes the test prone to error and that would require consistent attention and action by the end user to avoid false negatives with low titer positive samples that are close to the test cutoff. You have not provided adequate evidence to demonstrate that the proposed labeling changes would mitigate the risks to individuals and the public health as a result of false negative IgM results. (b) (4) (b) (4)

Further, your proposal to modify the intended use language is not consistent with the intended use of the currently authorized device, and so is not appropriate. You proposed to indicate that the IgM portion of the device is specifically designed for the detection of IgM in the early stages of disease. This intended use language could be misinterpreted as a claim to aid in the diagnosis of early disease. In contrast, the intended use language of SARS-CoV-2 antibody tests includes the following statements that contraindicate the use of these tests to diagnose early disease:

- [The test] should not be used to diagnose acute SARS-CoV-2 infection.
- The sensitivity of [the test] after early infection is unknown.

The other actions you proposed (b) (4) would be considered a re-design of the device. These changes are significant design modifications that can affect both the sensitivity and specificity, particularly the change to the capture antigen, which alters the operating principle of the device. Modifications such as these would need to be validated. As such, these proposed mitigations would not address, in a timely manner, the concerns with the device as currently authorized, and it is unclear whether these changes would successfully improve the performance of the device if you were to proceed with attempts to implement and validate these changes.

In short, the information you have provided does not address our concerns about the performance issues observed with your device, and we are unaware of any other currently available information that resolves these concerns.

U.S. Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20903
www.fda.gov

Conclusion

After consideration of the totality of scientific evidence available to the Agency, including all of your submissions, FDA has determined under section 564(g)(2)(B) that the criteria for issuance of emergency authorization in section 564(c) of the Act are no longer met for the Anti-SARS-CoV-2 Rapid Test. Under section 564(c)(2) an EUA may be issued only if FDA concludes it is reasonable to believe the product may be effective and the known and potential benefits outweigh the known and potential risks. Given the poor device performance regarding IgM sensitivity observed in the NCI evaluation after authorization of your device, FDA has concluded it is not reasonable to believe the product may be effective in detecting IgM antibodies to SARS-CoV-2 or that the known and potential benefits of your device outweigh its known and potential risks. In addition, based on the same information and the risks to public health from false test results, FDA has concluded under section 564(g)(2)(C) that other circumstances make revocation appropriate to protect the public health or safety.

Accordingly, FDA revokes EUA200349 for the Anti-SARS-CoV-2 Rapid Test, pursuant to section 564(g)(2)(B) and (C) of the Act. As of the date of this letter, the Anti-SARS-CoV-2 Rapid Test that was authorized by FDA for emergency use under EUA200349 is no longer authorized by FDA. As such, you are no longer authorized to distribute the Anti-SARS-CoV-2 Rapid Test. If you would like to work with FDA to resolve these issues, you may address the issues identified above and continue to work with us through a new pre-EUA or EUA request. In the event you submit a new notification to FDA for this test, or a notification for a re-designed and/or new test, note that FDA does not intend to place that test on the Section IV.D notification list, unless and until an EUA has been issued for such test.

If you have questions about this letter, please email Ellen Flannery, Deputy Center Director for Policy, Center for Devices and Radiological Health, at Ellen.Flannery@fda.hhs.gov.

Sincerely,

/s/

RADM Denise M. Hinton
Chief Scientist
Food and Drug Administration

U.S. Food & Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20903
www.fda.gov

July 21, 2020

To Manufacturers and Other Stakeholders:

This letter is to notify you of the revocation of the Emergency Use Authorization (EUA) issued April 28, 2020, for emergency use of certain in vitro diagnostic SARS-CoV-2 Antibody Tests[1] intended for use as an aid in identifying individuals with an adaptive immune response to SARS-CoV-2, indicating recent or prior infection, by detecting antibodies (IgG, or IgG and IgM, or total) to SARS-CoV-2 in human plasma and/or serum.

The authorization of a device for emergency use under section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 360bbb-3) may, pursuant to section 564(g)(2) of the Act, be revised or revoked when the criteria under section 564(b)(1) of the Act no longer exist, the criteria under section 564(c) of the Act for issuance of such authorization are no longer met, or other circumstances make such revision or revocation appropriate to protect the public health or safety.

FDA has determined that circumstances make revocation of this EUA appropriate to protect the public health or safety. Any SARS-CoV-2 Antibody Tests added to the list of authorized devices in Appendix A of the April 28, 2020, letter of authorization would have been authorized for: (1) human plasma and/or serum samples only, (2) use only at laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) to perform moderate or high complexity tests, and (3) the detection of IgG only, IgG and IgM, or total antibodies (i.e., not for the detection and differentiation of IgA from other immunoglobulins). To date, no device has been listed in Appendix A.

Based on information and experience since issuance of the umbrella EUA, FDA has determined that circumstances support revocation of the umbrella EUA so that FDA may issue individual EUAs. Individual EUAs will allow for broader indications and scopes of authorization, individualized conditions of authorization to address any issue unique to a specific test, and more streamlined EUA amendments, such as additional uses that would not fall under this umbrella EUA. Accordingly, FDA has decided to revoke this EUA. Instead, FDA will issue individual EUAs for SARS-CoV-2 Antibody Tests that meet the requisite EUA statutory criteria.

FDA has determined that circumstances make revocation of this EUA appropriate to protect the public health or safety for purposes of section 564(g)(2)(C) of the Act.

[1] The SARS-CoV-2 Antibody Tests eligible for authorization under this EUA were Lateral Flow or Enzyme-linked immunosorbent assay (ELISA) tests that had been evaluated in an independent validation study performed at the National Institutes of Health's (NIH) National Cancer Institute (NCI), or by another government agency designated by FDA.

Page 2 – SARS-CoV-2 Antibody Tests

Accordingly, pursuant to section 564(g)(2) of the Act, FDA revokes the EUA issued on April 28, 2020.

Notice of this revocation will be published in the *Federal Register*, pursuant to section 564(h)(1) of the Act.

Sincerely,

/s/

RADM Denise M. Hinton Chief Scientist
Food and Drug Administration

Dated: September 29, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–21952 Filed 10–2–20; 8:45 am]

BILLING CODE 4164–01–C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2020–N–0008]

Circulatory System Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting; Postponement

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting; postponement.

SUMMARY: The Food and Drug Administration (FDA) is postponing the meeting of the Circulatory System Devices Panel of the Medical Devices Advisory Committee scheduled from October 7, 2020, to a later date to be determined. The meeting was announced in the **Federal Register** of August 20, 2020. A future meeting date will be announced in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Aden Asefa, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5214, Silver Spring, MD 20993–0002, *Aden.Asefa@fda.hhs.gov,* 301–796–0400, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area) and follow the prompts to the desired center or product area. Please call the Information Line for up-to-date information on this meeting.

SUPPLEMENTARY INFORMATION: The meeting of the Circulatory System Devices Panel of the Medical Devices Advisory Committee was originally announced in the **Federal Register** of August 20, 2020 (85 FR 51453), and was initially scheduled for October 7, 2020. FDA has decided to postpone this public meeting until further notice.

Dated: September 29, 2020.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2020–21939 Filed 10–2–20; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval: Public Comment Request; Information Collection Request Title: Application for Deemed Health Center Program Award Recipients To Sponsor Volunteer Health Professionals for Deemed PHS Employment

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this notice has closed.

DATES: Comments on this ICR must be received no later than November 4, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Application for Deemed Health Center Program Award Recipients to Sponsor Volunteer Health Professionals for Deemed PHS Employment, OMB No. 0915–0032—Revision.

Abstract: Subsection 224(q) to the Public Health Service (PHS) Act (42 U.S.C. 233(q)), extended liability protections for the performance of medical, surgical, dental, and related functions to Volunteer Health Professionals (VHPs) of health centers that have also been deemed as employees of the PHS for this purpose. Through the process established by HRSA, VHPs of deemed health centers may be deemed as PHS employees for

this purpose, with associated Federal Tort Claims Act (FTCA) coverage.

Deemed PHS employment provides the covered individual with immunity from lawsuits and related civil actions resulting from the performance of medical, surgical, dental, and related functions within the scope of deemed employment.

Health centers must submit to HRSA an annual deeming sponsorship application on behalf of their individually named volunteers. For deeming to apply, such annual applications for each individual volunteer must be approved by HRSA, and deeming status for liability protections to apply during the calendar year is documented by a Notice of Deeming Action.

HRSA is proposing several changes to the Application for Deemed Health Center Program Award Recipients to Sponsor VHPs for Deemed PHS Employment, to be used for deeming sponsorship applications for Calendar Year 2022 and thereafter, to improve question clarity, clarify required documentation, and support HRSA's analysis and understanding of program impact. Specifically, the Application includes the following proposed changes:

• *Updated application language:* Specifically, throughout the application, alternate terminology was utilized to provide greater clarity and specificity. These changes were based on grantee feedback and various forms of information received from the HRSA Helpline. These changes are not substantive in nature;

• *Updated language and requested documents in section III of the application:* Specifically, section III was edited to clarify the qualifications for eligible individuals and clarify program expectations where individuals have a history of disciplinary action or malpractice; and

• *Deleted former section IV:* It has been determined that the information requested in this section, which related to offsite events and particularized determinations is not necessary to evaluate eligibility for deeming.

The FTCA Program has a web based application system, the Electronic Handbooks. These electronic application forms decrease the time and effort required to complete the older, paper-based OMB approved FTCA application forms. The application includes Acknowledgments of Deemed Status Requirements, Acknowledgment of Required Performance Conditions, and Information on the Volunteers Sponsored for Deeming.

A 60-day notice was published in the **Federal Register** on July 21, 2020, vol. 85, No. 140; pp. 44101–02. No public comments were received.

Need and Proposed Use of the Information: Deeming sponsorship applications must address certain specified criteria required by law in order for deeming determinations to be issued. The application submissions provides HRSA with the information required to determine whether an individual meets the requirements for deemed PHS employment for purposes of providing liability protections under section 224(q) of the PHS Act.

Likely Respondents: Respondents include Health Center Program funds recipients seeking to sponsor their volunteer health professionals for deemed employment for purposes of FTCA coverage.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Application for Deemed Health Center Program Award Recipients to Sponsor VHPs for Deemed PHS Employment	1,156	3	3,468	2	6,936
Total	1156		3468		6936

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2020–21941 Filed 10–2–20; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review: Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Myocardial Ischemia and Metabolism.

Date: October 29–30, 2020.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Rockledge II 6701 Rockledge Drive Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Richard D Schneiderman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138,

Bethesda, MD 20817, (301) 402–3995, *richard.schneiderman@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: October 29, 2020.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301) 435–1743, *margaret.chandler@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: CounterACT-Countermeasures against Chemical Threats—Exploratory Applications.

Date: November 3–4, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Geoffrey G Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040–A, MSC 7850, Bethesda, MD 20892, (301) 435–1235, *geoffreys@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Shared Instrumentation: Flow Cytometry.

Date: November 4, 2020.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Rass M Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 30, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–21945 Filed 10–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–20–022: Covid-19 U01 Applications.

Date: October 16, 2020.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664 *bishopj@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Health Disparities and Equity Promotion Study Section.

Date: October 28–30, 2020.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jessica Bellinger, Ph.D., Scientific Review Officer, Center for Scientific of Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, (301) 827–4446, *bellingerjd@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroplasticity and Neurotransmitters Study Section.

Date: October 29–30, 2020.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, (301) 435–1259, *nadis@csr.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetics of Health and Disease Study Section.

Date: November 2–3, 2020.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Christopher Payne, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 2208, Bethesda, MD 20892, (301) 402–3702, *christopher.payne@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Interactive Digital Media STEM Resources for Pre-College and Informal Science Education Audiences (SBIR/STTR).

Date: November 2, 2020.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm 6188, MSC 7804, Bethesda, MD 20892, (301) 435–1267, *belangerm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Primary Immunodeficiency Diseases.

Date: November 2, 2020.

Time: 12:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Scott Jakes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4198,, MSC 7812, Bethesda, MD 20892, (301) 495–1506, *jakesse@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 30, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–21944 Filed 10–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Population Sciences Subcommittee.

Date: November 6, 2020.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH/NICHD, 6710B Rockledge Dr., Bethesda, MD 21157 (Virtual Meeting).

Contact Person: Christiane M. Robbins, Scientific Research Officer, Scientific Review Branch (SRB), DER, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121B, Bethesda, MD 20817, 301–451–4989, *crobbins@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 30, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–21942 Filed 10–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public via NIH Videocast. The URL link to this meeting is *https://videocast.nih.gov/watch=38731.* Individuals who need special assistance, or reasonable accommodations should notify the Contact Person listed below in advance of the meeting.

Date: October 29, 2020.

Time: 1:15 p.m. to 4:15 p.m.

Agenda: OAR Director's Report; updates from the HIV Antiretroviral and Opportunistic Infections Guidelines Working Groups of OARAC ; discussion of the transition from *AIDSinfo.gov* to *HIVinfo.nih.gov;* updates from the COVID–19 and HIV taskforce; presentation and report regarding OAR listening sessions to date; updates from NIH HIV-related advisory councils and public comment.

Place: Office of AIDS Research, National Institutes of Health, 5601 Fishers Lane, Room 2E40, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mary T. Glenshaw, Ph.D., MPH, Senior Science Advisor, Office of AIDS Research, National Institutes of Health, 5601 Fishers Lane, Room 2E40, Rockville, MD 20850, *mary.glenshaw@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.oar.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: September 29, 2020.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–21943 Filed 10–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mentored Career Development Awards—K23.

Date: November 5, 2020.

Time: 2:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 208–Y, Bethesda, MD 20892, (301) 827–7911, *lindsay.garvin@nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Sickle Pan-African Consortium.

Date: November 5, 2020.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207–Q, Bethesda, MD 20892–7924, (301) 827–7913, *creazzotl@mail.nih.gov.*

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Grant Review for NHLBI K Award Recipients (R03).

Date: November 12, 2020.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: Zhihong Shan, Ph.D., MD, Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and

Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 205–J, Bethesda, MD 20892, (301) 827–7085, *zhihong.shan@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Clinical Trials SEP (UG3, U24, R34).

Date: November 18, 2020.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207–P, Bethesda, MD 20892–7924, (301) 827–7942, *lismerin@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Physician Scientists—Research Award for Early Stage Investigators.

Date: November 19, 2020.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lindsay M. Garvin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Suite 208–Y, Bethesda, MD 20892, (301) 827–7911, *lindsay.garvin@nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Early Phase Clinical Trials (R61, R33).

Date: November 19, 2020.

Time: 1:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge I, 6705 Rockledge Drive, Bethesda, MD 20814 (Virtual Meeting).

Contact Person: YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6705 Rockledge Drive, Room 207–P, Bethesda, MD 20892–7924, (301) 827–7942, *lismerin@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 30, 2020.

Ronald J. Livingston, Jr.,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–21947 Filed 10–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Career Development (Ks) and Conference support (R13) Review.

Date: November 10, 2020.

Time: 9:30 a.m. to 05:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John P Holden, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Blvd., Suite 920, Bethesda, MD 20892, (301) 496–8775, *john.holden@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, National Institute of Biomedical Imaging and Bioengineering, National Institutes of Health, HHS)

Dated: September 30, 2020.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2020–21946 Filed 10–2–20; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0098]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0002

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0002, Applications for Vessel Inspection, Waiver, and Continuous Synopsis Record; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before November 4, 2020.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2020–0098]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. AVE. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing

the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2020–0098], and must be received by November 4, 2020.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0002.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (85 FR 44914, July 24, 2020) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Applications for Vessel Inspection, Waiver and Continuous Synopsis Record.

OMB Control Number: 1625–0002.

Summary: The collection of information requires the owner, operator, agent, or master of a vessel to apply in writing to the Coast Guard before the commencement of an inspection for certification, when a waiver is desired from the requirements of navigation and vessel inspection, or to request a Continuous Synopsis Record.

Need: Title 46 U.S. Code 3306 authorizes the Coast Guard to establish regulations to protect life, property, and the environment. The reporting requirements are part of the Coast Guard's Marine Safety Program.

Forms:

- CG–2633, Application for Waiver and Waiver Order.
- CG–3752, Application for Inspection of U.S. Vessel.
- CG–6039, Application for Continuous Synopsis Record.

Respondents: Vessel owner, operator, agent, master or interested U.S. Government agency.

Frequency: On occasion, annually, or on a 5-year cycle.

Hour Burden Estimate: The estimated burden has increased from 741 hours to 745 hours per year due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: September 29, 2020.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2020–21871 Filed 10–2–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0618]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0062

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0062, Approval of Alterations to Marine Portable Tanks; Approval of Non-Specification Portable Tanks; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before December 4, 2020.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2020–0618] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–6P), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE. SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information

(Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2020–0618], and must be received by December 4, 2020.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Approval of Alterations to Marine Portable Tanks; Approval of Non-Specification Portable Tanks.

OMB Control Number: 1625–0062.

Summary: The information will be used to evaluate the safety of proposed alterations to marine portable tanks and non-specification portable tank designs used to transfer hazardous materials during offshore operations.

Need: The information will be used to evaluate the safety of proposed alterations to marine portable tanks and non-specification portable tank designs used to transfer hazardous materials during offshore operations.

Forms: Not applicable.

Respondents: Owners of marine portable tanks and owners/designers of non-specification portable tanks.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 18 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: September 29, 2020.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2020–21869 Filed 10–2–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2020–0100]

Collection of Information under Review by Office of Management and Budget; OMB Control Number 1625–0064

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0064, Plan Approval and Records for Subdivision and Stability Regulations; without change. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before November 4, 2020.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2020–0100]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: COMMANDANT (CG–6P), ATTN: PAPERWORK REDUCTION ACT MANAGER, U.S. COAST GUARD, 2703 MARTIN LUTHER KING JR. AVE SE, STOP 7710, WASHINGTON, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of

information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. Consistent with the requirements of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, and Executive Order 13777, Enforcing the Regulatory Reform Agenda, the Coast Guard is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2020–0100], and must be received by November 4, 2020.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0064.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (85 FR 44914, July 24, 2020) required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Plan Approval and Records for Subdivision and Stability Regulations—Title 46 CFR subchapter S.

OMB Control Number: 1625–0064.

Summary: The regulations require owners, operators, or masters of certain inspected vessels to obtain and/or post various documents as part of the Coast Guard commercial vessel safety program.

Need: Title 46 U.S.C. 3306 authorizes the Coast Guard to prescribe rules for the safety of certain vessels. Title 46 CFR Subchapter S contains the rules regarding subdivision and stability.

Forms: None.

Respondents: Owners, operators, or masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 7,870 hours to 7,193 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: September 29, 2020.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2020–21870 Filed 10–2–20; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6231–D–01]

Delegation of Authority for the Office of Field Policy and Management

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: Through this notice, the Secretary of the Department of Housing and Urban Development delegates to the Assistant Deputy Secretary for Field Policy and Management and to the Director for Field Policy and Management authority for the management and oversight of the Department's field operations.

DATES: *September 30, 2020.*

FOR FURTHER INFORMATION CONTACT: John B. Shumway, Assistant General Counsel, Administrative Law Division, Department of Housing and Urban Development, at 451 7th Street SW, Room 9262; Washington, DC 20410–0500 or telephone number 202–402–5190 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the Federal Relay Service at 1–800–877– 8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: Previous delegations of authority from the Secretary of HUD to the Assistant Deputy Secretary for Field Policy and Management are hereby revoked and superseded, including the delegations published on September 26, 2018 (83 FR 48649).

Section A. Authority

1. Field Operations. The Secretary of HUD hereby delegates to the Assistant Deputy Secretary for Field Policy and Management and the Director for Field Policy and Management authority for the management and oversight of the Department's field operations. In carrying out this authority, the Assistant Deputy Secretary for Field Policy and Management and the Director for Field Policy and Management shall, among other duties:

a. Coordinate the implementation of the Department's policies and programs in the field in consultation with field program directors. Program coordination does not mean program decision-making but, rather, collecting local information, measuring community impact, initiating cross-program communication and coordination, and facilitating the resolution of potential program differences through the appropriate channels, if necessary.

b. Manage and assess field resources to ensure that operations are efficient and effective.

c. Coordinate and convey the Strategic Plan and Regional or Local Operating Plans with the field.

d. Advise the Secretary on policy and management of the field.

e. Consult with program directors regarding implementation of departmental management goals, secretarial and presidential initiatives, and Annual Performance commitments.

2. Promise Zone Initiative. The Secretary delegates to the Assistant Deputy Secretary for Field Policy and Management and the Director for Field Policy and Management all power and authority for the day-to-day operations and administrative functions related to the Promise Zone Initiative. The Promise Zone Initiative supports the Department's responsibilities under sections 2 and 3 of the HUD Act, 42 U.S.C. 3531–32, to assist the President

in achieving maximum coordination of the various Federal activities that have a major effect upon urban community, suburban, or metropolitan development; to develop and recommend to the President policies for fostering orderly growth and development of the Nation's urban areas; and to exercise leadership, at the direction of the President, in coordinating Federal activities affecting housing and urban development. This authority includes coordination of the selection process and the development of resulting recommendations.

The delegated authority related to the Promise Zone Initiative does not include the authority to issue or waive Notices of Funding Availability or the equivalent, regulations, or statutes, but does include the authority to redelegate the authority provided.

3. Davis-Bacon and Labor Standards. The Secretary delegates to the Assistant Deputy Secretary for Field Policy and Management and the Director for Field Policy and Management all authority with respect to Davis-Bacon and Labor Standards administration and enforcement vested in, or delegated or assigned to, the Secretary under statutes and other authorities relating to Davis-Bacon and Labor Standards, including, but not limited to, the Davis-Bacon Act (40 U.S.C. 3141 *et seq.*), the Copeland Act (40 U.S.C. 3145), the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 *et seq.*), Reorganization Plan No. 14 of 1950 (5 U.S.C. App. 1 Reorg. Plan 14), the National Housing Act (12 U.S.C. 1701 *et seq.*), Section 202 of the National Housing Act of 1959 (12 U.S.C. 1701q), the National Affordable Housing Act (42 U.S.C. 12704 *et seq.*), the United States Housing Act of 1937 (42 U.S.C. 1437), the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*), the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 *et seq.*), Executive Order 13502 (74 FR 6985), and certain Department of Labor regulations (29 CFR parts 1, 3, 5, 6, and 7). The authority delegated includes the authority to determine or adopt prevailing wage rates, which is vested in the Secretary by certain statutes, including, but not limited to, the United States Housing Act of 1937 (42 U.S.C. 1437j) and the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4101 *et seq.*).

4. EnVision Center Demonstration. The Secretary delegates to the Assistant Deputy Secretary for Field Policy and Management and the Director for Field Policy and Management all power and authority for the day-to-day operations and administrative functions related to the EnVision Center Demonstration. The EnVision Center Demonstration supports households in low-income communities and offers supportive services that focus on the four pillars of: Economic Empowerment, Educational Advancement, Health and Wellness, and Character and Leadership. The EnVision Center Demonstration is authorized by Title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 *et seq.*), which authorizes the Secretary to undertake such programs of research, studies, testing, and demonstration relating to the mission and programs of the Department as he determines to be necessary and appropriate. The EnVision Center Demonstration also supports the Department's responsibilities under sections 2 and 3 of the HUD Act, 42 U.S.C. 3531–32, to assist the President in achieving maximum coordination of the various Federal activities that have a major effect upon urban community, suburban, or metropolitan development; to develop and recommend to the President policies for fostering orderly growth and development of the Nation's urban areas; and to exercise leadership, at the direction of the President, in coordinating Federal activities affecting housing and urban development. This authority includes coordination of the selection process and the development of resulting recommendations.

The delegated authority related to the EnVision Center Demonstration does not include the authority to issue or waive Notices of Funding Availability or the equivalent, regulations, or statutes, but does include the authority to redelegate the authority provided.

5. Section 3 Performance Evaluation and Registry System. The Secretary of HUD hereby delegates to the Assistant Deputy Secretary for the Office of Field Policy and Management and the Director for the Office of Field Policy and Management the responsibility and authority to manage Section 3 evaluation and reporting, as authorized by Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and its attendant regulations, including the Section 3 Performance Evaluation and Registry System (SPEARS) any successor reporting system, and other related systems of record; to administer Section 3 Technical Assistance funds; and to coordinate and offer best practices to external stakeholders.

Section B. Authority To Redelegate

The Assistant Deputy Secretary for Field Policy and Management and the Director for Field Policy and Management are authorized to redelegate to employees of HUD any of the authority delegated under section A above.

Section C. Authority Superseded

This Delegation supersedes all previous delegations from the Secretary of HUD to the Assistant Deputy Secretary for Field Policy and Management.

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Benjamin S. Carson, Sr.,

Secretary.

[FR Doc. 2020–22001 Filed 10–2–20; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2020–N133; FXES11130200000–201–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to recover and enhance endangered species survival. With some exceptions, the Endangered Species Act of 1973, as amended (ESA), prohibits certain activities that may impact endangered species unless a Federal permit allows such activity. The ESA also requires that we invite public comment before issuing these permits.

DATES: We must receive your written comments on or before November 4, 2020.

ADDRESSES: *Document availability:* Request documents by phone or email: Susan Jacobsen, 505–248–6641, *susan_jacobsen@fws.gov.*

Comment submission: Submit comments by email to *fw2_te_permits@fws.gov.* Please specify the permit you are interested in by number (*e.g.,* Permit No. TE–123456).

FOR FURTHER INFORMATION CONTACT: Susan Jacobsen, Chief, Classification and Restoration Division, 505–248–6641. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite

the public to comment on applications for permits under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The requested permits would allow the applicants to conduct activities intended to promote recovery of species that are listed as endangered or threatened under the ESA.

Background

With some exceptions, the ESA prohibits activities that constitute take of listed species unless a Federal permit is issued that allows such activity. The ESA's definition of ''take'' includes such activities as pursuing, harassing, trapping, capturing, or collecting in addition to hunting, shooting, harming, wounding, or killing.

A recovery permit issued by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with endangered or threatened species for scientific purposes that promote recovery or for enhancement of propagation or survival of the species. These activities often include such prohibited actions as capture and collection. Our regulations implementing section 10(a)(1)(A) for these permits are found in the Code of Federal Regulations at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of endangered species in the wild. Section 10(c) of the ESA requires that we invite public comment before issuing these permits. Accordingly, we invite local, State, Tribal, and Federal agencies and the public to submit written data, views, or arguments with respect to these applications. The comments and recommendations that will be most useful and likely to influence agency decisions are those supported by quantitative information or studies.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE191195 ..	Baer Engineering; Austin, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*), Barton Springs salamander (*Eurycea sosorum*), Austin blind salamander (*Eurycea waterlooensis*).	Texas	Presence/absence surveys.	Capture, harm, harass.	Renewal.
TE028605 ..	Hucks, Katrina; Albuquerque, New Mexico.	Southwestern willow flycatcher (*Empidonax traillii extimus*).	Arizona, California, Colorado, Nevada, New Mexico, Utah, Texas.	Presence/absence survey.	Harm, harass	Renewal.
TE83109D ..	Byrd, Chase; Ada, Oklahoma.	American burying beetle (*Nicrophorus americanus*).	Oklahoma	Presence/absence surveys.	Harm, harass	New.
TE80520D ..	Bryant, Jennifer; Oklahoma City, Oklahoma.	American burying beetle (*Nicrophorus americanus*).	Oklahoma	Presence/absence surveys.	Harm, harass	New.
TE030115 ..	Bureau of Land Management—Safford District; Safford, AZ.	Gila topminnow (*Poeciliopsis occidentalis*), desert pupfish (*Cyprinodon macularius*), Gila chub (*Gila intermedia*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), spikedace (*Mega fulgida*), loach minnow (*Tiaroga cobitis*), razorback sucker (*Xyrauchen texanus*).	Arizona	Presence/absence surveys, collection.	Harass, harm, capture, injure, kill.	Renewal.
TE82008D ..	McDorman, John; Tulsa, Oklahoma.	American burying beetle (*Nicrophorus americanus*).	Kansas, Nebraska, Oklahoma	Presence/absence surveys.	Harm, harass	New.
TE76960D ..	Burns, Jodie; Bentonville, Arkansas.	American burying beetle (*Nicrophorus americanus*).	Arkansas, Kansas, Missouri, Nebraska, Oklahoma, South Dakota, Texas.	Presence/absence surveys.	Harm, harass	New.
TE086559 ..	Jones, Ricky Lee; Broken Bow, Oklahoma.	American burying beetle (*Nicrophorus americanus*).	Oklahoma	Presence/absence surveys.	Harm, harass	Renewal.
TE79002D ..	Texas Military Department; Austin, Texas.	American burying beetle (*Nicrophorus americanus*).	Texas	Presence/absence surveys.	Harass, harm	New.
TE83399D ..	Johnson, James; Canyon, Texas.	Pecos gambusia (*Gambusia nobilis*)	New Mexico, Texas	Presence/absence surveys.	Harm, harass	New.
TE81992D ..	Bohannon, Austin; Austin, Texas.	Houston toad (*Bufo houstonensis*) ..	Texas	Presence/absence surveys.	Harm, harass	New.
TE83056D ..	Johnny Morris' Wonders of Wildlife Museum and Aquarium; Springfield, Missouri.	Masked bobwhite quail (*Colinus virginianus ridgwayl*).	Arizona	Captive breeding, propagation.	Harm, harass	New.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE52816B ..	Davis, David; Barstow, California.	Golden-cheeked warbler (*Setophaga chrysoparia*), southwestern willow flycatcher (*Empidonax traillii extimus*), whooping crane (*Grus americana*), red-cockaded woodpecker (*Picoides borealis*), Attwater's prairie-chicken (*Tympanuchus cupido attwateri*), jaguarundi (*Herpailurus yagouaroundi*), ocelot (*Leopardus pardalis*), least tern (*Sternula antillarum athalossos*), northern aplomado falcon (*Falco femoralis septentrionalis*).	Arizona, California, New Mexico, Oklahoma, Texas.	Presence/absence surveys.	Harass, harm	Renewal.
TE022190 ..	Arizona Sonora Desert Museum; Tucson, Arizona.	Mount Graham red squirrel (*Tamiasciurus hudsonicus grahamensis*), masked bobwhite quail (*Colinus virginianus ridgwayi*), Sonora tiger salamander (*Ambystoma tigrinum stebbinsi*).	Arizona	Propagation	Harass, harm	Renewal.
TE828640 ..	Harris Environmental Group; Tucson, Arizona.	Sonora tiger salamander (*Ambystoma tigrinum stebbinsi*), northern aplomado falcon (*Falco femoralis septentrionalis*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*).	Arizona, New Mexico	Presence/absence surveys.	Harass, harm	Renewal.
TE79006D ..	Lazo, Walker G.; San Antonio, Texas.	Golden-cheeked warbler (*Setophaga chrysoparia*), Helotes mold beetle (*Batrisodes venyivi*), Robber Baron Cave meshweaver (*Cicurina baronia*), Government Canyon Bat Cave meshweaver (*Cicurina vespera*), Ground beetle (*Rhadine exilis*), Ground beetle (*Rhadine infernalis*), Madla Cave meshweaver (*Cicurina madla*), Cokendolpher cave harvestman (*Texella cokendolpheri*), Government Canyon bat cave spider (*Neoleptoneta microps*).	Texas	Presence/absence surveys.	Harm, harass	New.

Public Availability of Comments

Written comments we receive become part of the administrative record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We publish this notice under section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Amy L. Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2020–21976 Filed 10–2–20; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD5198NI DS61100000 DNINR0000.000000 DX61104]

Exxon Valdez Oil Spill Public Advisory Committee Charter

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of renewal.

SUMMARY: The U.S. Department of the Interior announces the charter renewal of the *Exxon Valdez* Oil Spill Public Advisory Committee.

SUPPLEMENTARY INFORMATION: The Court Order establishing the *Exxon Valdez* Oil Spill Trustee Council also requires a public advisory committee. The Public Advisory Committee was established to advise the Trustee Council and began functioning in October 1992. The Public Advisory Committee consists of 10 members representing the following principal interests: Aquaculture/mariculture, commercial fishing, commercial tourism, recreation, conservation/environmental, Native landownership, sport hunting/fishing, subsistence, science/technology, and public-at-large. In order to ensure that a broad range of public viewpoints continues to be available to the Trustee Council, and in keeping with the settlement agreement, the continuation of the Public Advisory Committee is recommended.

In accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C., Appendix 2), and in consultation with the General Services Administration, the Secretary of the Interior hereby renews the charter for the *Exxon Valdez* Oil Spill Public Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Dr. Philip Johnson, U.S. Department of the Interior, Office of Environmental Policy and Compliance, 1689 C Street, Suite 119, Anchorage, Alaska 99501–5126, 907–227–3783.

Certification Statement: I hereby certify that the renewal of the charter for the *Exxon Valdez* Oil Spill Public Advisory Committee is necessary and in the public interest in connection with the performance of duties mandated by the settlement of *United States* v. *State of Alaska,* No. A91–081 CV, and is in accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended and supplemented.

Authority: 5 U.S.C. Appendix 2.

Dated: September 27, 2020.

David L. Bernhardt,

Secretary of the Interior.

[FR Doc. 2020–21973 Filed 10–2–20; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[20X.LLAK980600.L18200000. LXSIARAC0000]

Notice of Public Meeting: Resource Advisory Council Subcommittee on Public Lands, Alaska

AGENCY: Interior Region 11, Bureau of Land Management.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Alaska Resource Advisory Council (RAC), Subcommittee on Public Lands, will meet as indicated below.

DATES: The Alaska RAC's Subcommittee on Public Lands will hold virtual meetings on November 17 and 18, 2020, and again on February 9 and 10, 2021. The approximate meeting times are 8 a.m. to 5 p.m. for the first day meetings and 8 a.m. to noon for the second day meetings, with public comment periods being held each day. However, the meetings could end earlier or later depending on the needs of group members.

ADDRESSES: The meetings will be held online through the Zoom meeting application. People wishing to participate in the meetings can contact the RAC Coordinator for the link or call-in number at *mbolton@blm.gov* or by phone at (907) 271–3342. The link and final agendas will also be provided on the BLM Alaska RAC website at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/alaska/rac* and on social media accounts.

FOR FURTHER INFORMATION CONTACT: Melinda Bolton by telephone at (907) 271–3342, or by email at *mbolton@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Bolton during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member Alaska RAC serves in an advisory capacity concerning issues relating to land use planning or the management of the public land resources located within the State of Alaska. The 8-member Subcommittee on Public Lands was established to gather information, conduct research, and analyze relevant issues and facts on selected topics for future consideration by the RAC. The Subcommittee's primary goal is to provide information to the RAC that will allow it to better respond to time-sensitive issues, such as resource management plans, arctic activity, conveyances, minerals, subsistence management, and recreation. No decisions are made at the subcommittee level. All meetings are open to the public in their entirety. The Designated Federal Officer will attend the call, take minutes, and publish these detailed meeting minutes on the RAC web page.

The public may send written comments to the Subcommittee in response to material presented on the call to be forwarded to the RAC for consideration. Comments can be mailed to: BLM Alaska State Office, Office of Communications, Attn: Melinda Bolton; 222 W 7th Avenue, #13, Anchorage, AK 99513.

Interested persons may make oral or written presentations to the Council during the business meeting or file written statements. Such requests should be made to the DFO prior to the public comment period. Depending on the number of people who wish to speak and the time available, the time for individual comments may be limited.

Individuals who plan to attend and need further information about the meetings, need special assistance such as sign language interpretation or other reasonable accommodations may contact Melinda Bolton at the phone number or email address listed earlier (see **FOR FURTHER INFORMATION CONTACT**).

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 1784.4–2)

Lesli Ellis-Wouters,

Communications Director.

[FR Doc. 2020–21970 Filed 10–2–20; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–30943; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before September 19, 2020, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by October 20, 2020.

ADDRESSES: Comments are encouraged to be submitted electronically to *National__Register__Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State≤.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before September 19, 2020. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

CALIFORNIA

Los Angeles County

Wilshire Vista West Historic District, Roughly bounded by South Fairfax Ave., West San Vicente Blvd., South Spaulding Ave., and Packard St. Los Angeles, SG100005714

Monterey County

St. John's Chapel, Del Monte, 1490 Mark Thomas Dr., Monterey, SG100005719

Riverside County

Bel Vista House, (Architecture of Albert Frey MPS), 1520 East Tachevah Dr., Palm Springs, MP100005718

Sacramento County

Nisei VFW Post 8985, (Asian Americans and Pacific Islanders in California, 1850–1970 MPS), 1515 4th St., Sacramento, MP100005713

KANSAS

Clay County

Clay Center Downtown Historic District, 4th to 6th Sts., Court to Lincoln Aves., Clay Center, SG100005716

LOUISIANA

Orleans Parish

Dryades Branch Library, 1924 Philip St., New Orleans, SG100005710

Terrebonne Parish

Lapeyrouse Grocery, 7243 Shoreline Dr., Chauvin vicinity, SG100005699

Daigleville School, 8542 Main St., Houma, SG100005721

NEW HAMPSHIRE

Rockingham County

Rye Town Hall, 10 Central Rd., Rye, SG100005705

NEW YORK

Bronx County

V. Santini, Inc. Warehouse, 2314–2316 Jerome Ave., Bronx, SG100005700

Columbia County

South Bay Mill, 41 Cross St., Hudson, SG100005701

Delaware County

Mountain Athletic Club Grounds, Wagner Ave. and Ballpark Ave., Fleischmanns, SG100005706

Essex County

North-Sprague Farm, 327 Cty. Rd. 55 (Walker Rd.), Essex vicinity, SG100005707

Franklin County

St. Regis Presbyterian Church, 517 Keeses Mill Rd., Keeses Mill, SG100005708

New York County

Holyrood Protestant Episcopal Church, 715 West 179th St., New York, SG100005702

Rensselaer County

William Barnet & Son Shoddy Mill, 20 Forbes Ave., Rensselaer, SG100005703

Warren County

Hague Baptist Church, 9832 NY 8 (Graphite Mountain Road), Hague, SG100005709

OREGON

Josephine County

Riverside Park, 304 SE Park St., Grants Pass, SG100005722

Multnomah County

Darcelle XV, 208 NW 3rd Ave., Portland, SG100005723

German Baptist Old People's Home, 850 NE 81st Ave., Portland, SG100005724

New Fliedner Building, (Downtown Portland, Oregon MPS), 1017 SW Washington St., Portland, MP100005725

Postal Employees Credit Union, 421 SE 10th Ave., Portland, SG100005726

Washington County

Forest Grove Downtown Historic District, Roughly bounded by one parcel north of 21st Ave., Ash, 19th, and A Sts., Forest Grove, SG100005727

UTAH

Sanpete County, Ephraim Tithing Office—Bishop's Storehouse, (Tithing Offices and Granaries of the Mormon Church TR), 64 North Main St., Ephraim, 85003671

VERMONT

Rutland County, Immaculate Heart of Mary School, 10 Lincoln Ave., Rutland City, SG100005704

A request for removal has been made for the following resource:

IOWA

Mitchell County, Otranto Bridge, (Highway Bridges of Iowa MPS), 480th Ave. over Big Cedar R., St. Ansgar vicinity, OT98000495

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

ARIZONA

Pima County, U.S. Inspection Station-Sasabe, Arizona (Additional Documentation), AZ 286, Sasabe, AD14000243

MISSOURI

Shannon County

Alley Spring State Park Historic District, MO 106 at the Jacks Fork R., Eminence vicinity, SG100005717

WASHINGTON

Douglas County

Grand Coulee Dam Historic District, Coulee Dam, Grand Coulee vicinity, SG100005711

Grant County

Grand Coulee Dam Historic District, Coulee Dam, Grand Coulee vicinity, SG100005711

Okanogan County, Grand Coulee Dam Historic District, Coulee Dam, Grand Coulee vicinity, SG100005711

Authority: Section 60.13 of 36 CFR part 60.

Dated: September 22, 2020.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2020–21928 Filed 10–2–20; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1221]

Certain Electronic Stud Finders, Metal Detectors and Electrical Scanners Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 31, 2020, under section 337 of

the Tariff Act of 1930, as amended, on behalf of Zircon Corporation of Campbell, California. A supplement was filed on September 14, 2020. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic stud finders, metal detectors, and electrical scanners by reason of infringement of certain claims of U.S. Patent No. 6,989,662 (''the '662 patent''); U.S. Patent No. 7,148,703 (''the '703 patent''); U.S. Patent No. 8,604,771 (''the '771 patent''); and U.S. Patent No. 9,475,185 (''the '185 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. For help accessing EDIS, please email *EDIS3Help@usitc.gov*. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 29, 2020, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–20 of the '662 patent; claims 1–14 of the '703 patent; claims 1, 2, 5, 9–11, 13–15, and 17–24 of the '771 patent; and claims 1–11 and 13–22 of the '185 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''stud finders, metal detectors and electrical scanners for use in the home and commercial repair, construction, improvement and interior décor industry'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Zircon Corporation, 1580 Dell Avenue, Campbell, CA 95008.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Stanley Black & Decker, Inc., 1000 Stanley Drive, New Britain, CT 06053

Black & Decker (U.S.), Inc., 701 East Joppa Road, Towson, MD 21286

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 29, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–21909 Filed 10–2–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–658–659 and 731–TA–1538–1542 (Preliminary)]

Aluminum Foil From Armenia, Brazil, Oman, Russia, and Turkey; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–658–659 and 731–TA–1538–1542 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of aluminum foil from Armenia, Brazil, Oman, Russia, and Turkey, provided for in subheadings 7607.11.30, 7607.11.60, 7607.11.90, and 7607.19.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Governments of Oman and Turkey. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by November 13, 2020. The Commission's views must be transmitted to Commerce within five business days thereafter, or by November 20, 2020.

DATES: September 29, 2020.

FOR FURTHER INFORMATION CONTACT: Celia Feldpausch ((202) 205–2387), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on September 29, 2020, by the Aluminum Association Trade Enforcement Working Group, Arlington, Virginia and its individual members—Gränges Americas Inc., Franklin, Tennessee; JW Aluminum Company, Daniel Island, South Carolina; and Novelis Corporation, Atlanta, Georgia.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission is conducting the staff conference through video conferencing on Tuesday, October 20, 2020. Requests to appear at the conference should be emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before October 16, 2020. Please provide an email address for each conference participant in the email. Information on conference procedures will be provided separately and guidance on joining the video conference will be available on the Commission's Daily Calendar. A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Written submissions.—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before October 23, 2020, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: September 30, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–21953 Filed 10–2–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1208]

Certain Electronic Devices, Including Computers, Tablet Computers, and Components and Modules Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting a Motion by Google, LLC To Intervene in the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined not to review an initial determination (''ID'') (Order No. 5) of the presiding administrative law judge

(''ALJ''), granting a motion by Google, LLC of Mountain View, California (''Google'') to intervene in the investigation.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On August 10, 2020, the Commission instituted this investigation based on a complaint filed by Nokia Technologies Oy and Nokia Corporation both of Espoo, Finland (collectively, ''Nokia''). 85 FR 48263–64 (Aug. 10, 2020). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic devices, including computers, tablet computers, and components and modules thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,144,764; 7,532,808; 6,950,469; 7,724,818; and 8,583,706 (''the '706 patent''). *Id.* The Commission's notice of investigation named the following nine Lenovo entities as respondents: Lenovo (United States), Inc. of Morrisville, North Carolina; Lenovo Group Limited of Quarry Bay, Hong Kong; Lenovo (Beijing) Limited of Beijing, China; Lenovo (Shanghai) Electronics Technology Co. Ltd. of Shanghai, China; Lenovo PC HK Limited of Quarry Bay, Hong Kong; Lenovo Information Products Shenzhen Co. Ltd. of Shenzhen, China; Lenovo Mobile Communication of Wuhan, China; Lenovo Corporation of Wujiang, China; and Lenovo Centro Tecnologico S. de RL CV of Nuevo Leon, Mexico (collectively, ''Lenovo''). *Id.* at 48264. The notice of investigation also named the Office of Unfair Import Investigations (''OUII'') as a party. *Id.*

On August 12, 2020, Google filed a motion to intervene in this investigation as to the '706 patent, asserting that it has an interest in infringement and invalidity issues regarding that patent. On August 24, 2020, Nokia, Lenovo, and OUII filed responses not opposing Google's intervention.

On September 4, 2020, the ALJ issued the subject ID granting the motion. The ID notes Commission Rule 210.19, which provides that ''[a]ny person desiring to intervene in an investigation'' may file a motion before the administrative law judge, who ''may grant the motion to the extent and upon such terms as may be proper under the circumstances.'' 19 CFR 210.19. The ID finds that no dispute exists that (1) ''Google's motion to intervene was timely, having been filed two days after the institution of the investigation''; (2) ''Google has an interest in infringement and invalidity issues regarding the '706 patent''; and (3) ''Google's interests are not adequately protected by the other parties in this investigation.'' ID at 5. While Google seeks intervention only as to the '706 patent, the ID finds that ''the record does not support a limited intervention'' and that ''Google's intervention may be useful with respect to all the patents, not only the '706 patent.'' *Id.* Thus, the ID adds Google to the investigation ''as an intervenor without limitation.'' *Id.* No one petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. Google is hereby an intervenor.

The Commission vote for this determination took place on September 29, 2020.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.
Issued: September 29, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–21904 Filed 10–2–20; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1220]

Certain Filament Light-Emitting Diodes and Products Containing Same (II); Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 31, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of The Regents of the University of California, Oakland, California. A supplement to the complaint was filed on September 21, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain filament light-emitting diodes and products containing the same by reason of infringement of certain claims of U.S. Patent No. 9,240,529 (''the '529 patent''); U.S. Patent No. 9,859,464 (''the '464 patent''); U.S. Patent No. 10,593,854 (''the '854 patent''); U.S. Patent No. 10,644,213 (''the '213 patent''); and U.S. Patent No. 10,658,557 (''the '557 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia Proctor, Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 29, 2020, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted

to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 6, 8, and 9 of the '529 patent; claims 1, 7, 9, and 10 of the '464 patent; claims 1, 2, and 6 of the '854 patent; claims 1 and 2 of the '213 patent; and claims 1 and 2 of the '557 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''light bulbs containing filament LEDs and lighting products containing filament LEDs'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: The Regents of the University of California, 1111 Franklin Street, Oakland, CA 94607.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

General Electric Company, 5 Necco Street, Boston, MA 02210
Consumer Lighting (U.S.) LLC, d/b/a GE Lighting, 1975 Noble Road, East Cleveland, OH 44112
Savant Systems, Inc., 45 Perseverance Way, Hyannis, MA 02601
Home Depot Product Authority, LLC, 2455 Paces Ferry Road, Atlanta, GA 30339
Home Depot U.S.A., Inc., 2455 Paces Ferry Road, Atlanta, Georgia 30339
The Home Depot, Inc., 2455 Paces Ferry Road, Atlanta, Georgia 30339
Feit Electric Company, Inc., 4901 Gregg Road, Pico Rivera, CA 90660
Satco Products, Inc., 110 Heartland Boulevard, Brentwood, NY 11717
IKEA Supply AG, Grtissenweg 15, CH–4133 Pratteln, Switzerland
IKEA U.S. Retail LLC, 420 Alan Wood Road, Conshohocken, PA 19428
IKEA of Sweden AB, Tulpanvagen 8 Almhult, 343 34 Sweden

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.
Issued: September 29, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–21907 Filed 10–2–20; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0002]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently-Approved Collection; Supplementary Homicide Report (SHR)

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

ACTION: 30-Day notice and request for comments.

SUMMARY: The DOJ, FBI, Criminal Justice Information Services (CJIS) Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 4, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the FBI, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether, and if so, how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently-approved collection.

2. *The Title of the Form/Collection:* Supplementary Homicide Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1–704. The applicable component within the DOJ is the CJIS Division of the FBI.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Federal, state, local, and tribal law enforcement agencies (LEAs). Abstract: Under Title 28, United States Code, Section 534(a) and (c), this collection requests homicide data from respondents in order for the FBI

Uniform Crime Reporting (UCR) Program to serve as the national clearinghouse for the collection and dissemination of homicide and other crime-related data and to publish these statistics in *Crime in the United States.* The two-sided SHR form collects details about all murders and nonnegligent manslaughters (including justifiable homicides) and negligent manslaughters. The details include the reporting agency; month and year; situation; age, sex, race, and ethnicity of the victim(s) and the offender(s); weapon type used; relationship of the victim(s) to the offender(s); and circumstance(s) surrounding the incident (*e.g.,* argument, robbery, gang-related), if known.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated number of LEAs submitting SHR data to the FBI UCR Program monthly via the Summary Reporting System is 9,376. Annually, those LEAs submit a total of 112,512 responses (9,376 LEAs × 12 months = 112,512 responses annually). The estimated time it takes for an average respondent to respond is nine minutes. Therefore, the estimated annual public burden associated with the SHR data collection is 16,877 hours [(112,512 annual responses × 9 minutes per response)/60 minutes per hour = 16.876.8 total annual hours].

If additional information is required, contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: September 29, 2020.

Melody Braswell,

Department Clearance Officer for the PRA, U.S. Department of Justice.

[FR Doc. 2020–21910 Filed 10–2–20; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On September 29, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of North Carolina in the lawsuit entitled *United States* v. *Chemtronics, Inc. and Northrop Grumman Systems Corp.,* Civil Action No. 1:20–cv–00272.

The Consent Decree resolves the Untied States' claims set forth in the Complaint against Chemtronics, Inc. (''Chemtronics'') and Northrop Grumman Systems Corp. (''NGSC'') for injunctive relief and cost recovery under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'') relating to the release or threatened release of hazardous substances into the environment, and for performance of response actions under Section 7003 of the Resource Conservation and Recovery Act (''RCRA'') relating to the handling, storage, treatment, transportation, or disposal of solid and/or hazardous wastes at or from the Chemtronics Superfund Site (the ''Site''), located in the community of Swannanoa, in Buncombe County, North Carolina. Under the terms of the proposed Consent Decree, Defendants will reimburse $255,348.51 of the costs incurred by the United States Environmental Protection Agency (''EPA''). Defendants also will reimburse EPA for its future responses at the Site and will perform the work set forth in the second amendment to the 1988 Record of Decision issued by EPA on September 29, 2016.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Chemtronics, Inc. and Northrop Grumman Systems Corp.,* D.J. Ref. No. 90–11–2–09498/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Under section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.50 (25 cents per page reproduction cost) payable to the United States Treasury. The document does not contain the exhibits and signature pages.

Lori Jonas,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–21978 Filed 10–2–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0057]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Uniform Crime Reporting Instrument Pretesting and Burden Estimation Generic Clearance

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, will be submitting the following information collection request to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until December 4, 2020.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Federal Bureau of Investigation, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of burden, of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Uniform Crime Reporting Instrument Pretesting and Burden Estimation Generic Clearance.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1110–0057. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal, state, county, local, and tribal law enforcement agencies.

Abstract: This clearance provides the Federal Bureau of Investigation Uniform Crime Reporting Program the ability to conduct pretests, which evaluate the validity and reliability of information collection instruments, and determine the level of burden state and local agencies have in reporting crime data to the Federal Bureau of Investigation. The Paperwork Reduction Act only allows for nine or fewer respondents in the collection of information, such as pretesting activities. This clearance request expands the pretesting sample to 350 people for each of the twelve information collections administered by the Federal Bureau of Investigation Uniform Crime Reporting Program. Further, the clearance will allow for a brief five minute cost and burden assessment for the 18,000 law enforcement agencies participating in the Federal Bureau of Investigation Uniform Crime Reporting Program.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Uniform Crime Reporting Participation Burden Estimation: There are approximately 18,000 law enforcement respondents; calculated estimates indicate five minutes per submission. Uniform Crime Reporting Form Pretesting: There are approximately 350 respondents; calculated estimates indicate one hour per pretest.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 1,850 hours, annual burden, associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: September 29, 2020.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2020–21913 Filed 10–2–20; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *EPG2, LLC,* Civil Action No. 3:20–cv–02180 was lodged with the United States District Court for the Northern District of Ohio, Western Division, on September 25, 2020.

This proposed Consent Decree concerns a complaint filed by the United States against Defendant EPG2, LLC, pursuant to Sections 301(a), 309(b), and 309(d) of the Clean Water Act, 33 U.S.C. 1311(a), 1319(b), and 1319(d), to obtain injunctive relief from and impose civil penalties against the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendant to perform mitigation and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Phillip R. Dupré, United States Department of Justice, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, and refer to *United States* v. *EPG2, LLC,* DJ # 90–5–1–1–21736.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Northern District of Ohio, James M. Ashley and Thomas W. L. Ashley U.S. Courthouse, 1716 Spielbusch Avenue, Toledo, OH 43604. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2020–21893 Filed 10–2–20; 8:45 am]

BILLING CODE –P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Partial Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Partial Consent Decree in *United States* v. *Paul Bunn and Snyder Logging and Landscaping, LLC,* Civil Action No. 20–107–DLC–KLD, was lodged with the United States District Court for the District of Montana, Missoula Division, on September 23, 2020.

This proposed Partial Consent Decree concerns a complaint filed by the United States against Defendants Paul Bunn and Snyder Logging and Landscaping, LLC, pursuant to 33 U.S.C. 1319(b) and (d), to obtain injunctive relief from, and impose civil penalties against, the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Partial Consent Decree resolves these allegations against Snyder Logging and Landscaping, LLC (''Snyder Logging'') by requiring Snyder Logging to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Partial Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Alan D. Greenberg, United States Department of Justice, Environmental Defense Section, 999 18th Street, Suite 370, Denver, CO 80202 and refer to *United States* v. *Paul Bunn and Snyder Logging and Landscaping, LLC* and DJ #90–5–1–1–20880.

The proposed Partial Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Montana, Russell Smith Federal Courthouse, 201 E Broadway Street, Suite 410, Missoula, MT 59802. In addition, the proposed Partial

Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2020–21895 Filed 10–2–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under The Clean Water Act

On September, 29, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Louisiana in the lawsuit entitled *United States of America* v. *Churchill Downs Louisiana Horseracing Company, LLC d/b/a Fair Grounds Race Course and Slots* Civil Action No. 2:20-cv-02637.

In this action, the United States, on behalf of the U.S. Environmental Protection Agency, filed a Complaint and proposed Consent Decree pertaining to Clean Water Act violations at the Defendant's horse racing facility in New Orleans, Louisiana. In the Complaint, the United States alleged that the Defendant discharged process wastewater from its horse-racing and stabling facility, a concentrated animal feeding operation, into the New Orleans municipal separate storm sewer system and other receiving waters in violation of the terms and conditions of the National Pollutant Discharge Elimination System permit issued to the Defendant under Section 402 of the Act, 33 U.S.C. 1342. Under the proposed settlement, the Defendant will pay $2,790,000.00 in civil penalties and perform injunctive relief to bring its facility into compliance with applicable federal laws and regulations to prevent future unauthorized discharges to area waterways.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Churchill Downs Louisiana Horseracing Company, LLC d/b/a Fair Grounds Race Course and Slots,* D.J. Ref. No. 90–5–1–1–11342. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611,.

Please enclose a check or money order for $21.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Kenneth Long,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–21878 Filed 10–2–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Bankruptcy Settlement Agreement Resolving Environmental Protection Agency Claims Under the Comprehensive Environmental Response, Compensation and Liability Act

On September 29, 2020, the Department of Justice lodged a proposed Settlement Agreement with the United States Bankruptcy Court for the Western District of New York (the ''Bankruptcy Court'') in the matter of *In re: Tonawanda Coke Corporation,* Case No. 18–12156, among the United States on behalf of the Environmental Protection Agency (''EPA''), Debtor Tonawanda Coke Corporation, the Official Committee of Unsecured Creditors, and the New York State Department of Labor (''New York DOL'').

The proposed Settlement Agreement resolves the proof of claim filed by the United States on behalf of EPA, asserting a general unsecured claim for (a) $2,002,200 in stipulated penalties under a consent decree between the United States and Debtor in United States *et al.* v. Tonawanda Coke Corp., 1:15–cv–00420 (W.D.N.Y.), and (b) $11,826.14 in response costs incurred prior to the October 15, 2019, bankruptcy petition date under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675, performing the initial stages of a time-critical removal action to address the release and threatened release of hazardous substances at the Debtor's coke manufacturing facility in Tonawanda, New York (''TCC Site'').

The proposed Settlement Agreement also resolves the United States' Motion for Allowance of Administrative Expense Claim, Doc. No. 282, which was amended, Doc. No. 422, asserting an administrative claim in the amount of $5,531,521.10, under Section 503(b)(1) of the Bankruptcy Code, 11 U.S.C. 503(b)(1), relating to response costs incurred after the Petition Date addressing releases and threatened releases of hazardous substances at the TCC Site.

The proposed Settlement Agreement provides the United States an allowed administrative expense claim in the amount of $930,000 plus 83.7% of certain additional funds in the estate. In addition, the proposed Settlement Agreement provides the United States an allowed general unsecured claim of $11,826.14 with respect to pre-petition response costs and $2,002,200 with respect to stipulated penalties.

The proposed Settlement Agreement also provides certain recovery rights for New York DOL based on its claims under the New York State Worker Adjustment and Retraining Notification Act, New York Labor Law §§ 860–860–I and certain recovery rights for general unsecured creditors based on general unsecured claims filed in the bankruptcy.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments on the proposed resolution of the United States' claims set forth in the Settlement Agreement. Comments should be addressed to the Assistant Attorney General for the Environmental and Natural Resources Division, and should refer to *In re: Tonawanda Coke Corporation,* DOJ Ref. # 90–5–2–1–09994/1. All comments must be submitted no later than thirty days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $5.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

[FR Doc. 2020–21974 Filed 10–2–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

On September 29, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Colorado in the lawsuit entitled *United States and the State of Colorado* v. *TCI Pacific Communications, LLC,* Civil Action No. 1:20–cv–02939–KLM.

The proposed Consent Decree would resolve claims the United States and State of Colorado have brought pursuant to Sections 106, 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9606, 9607(a) and 9613(g)(2), against TCI Pacific Communications, LLC (''TCI'') related to Operable Unit 1 (''OU1'') of the Eagle Mine Superfund Site (''Site'') located approximately five miles south of Minturn, Colorado.

The Consent Decree requires TCI to meet water treatment standards for arsenic and other metals at the Site's water treatment plant, collect and treat contaminated groundwater from defined areas, obtain institutional controls to restrict activities that would interfere with the remedy, conduct defined operation and maintenance activities, and pay future EPA response costs.

The Consent Decree provides TCI and certain related persons covenants not to sue relating to the OU1 under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Colorado* v. *TCI Pacific Communications, LLC,* D.J. Ref. No. 90–11–3–1044/7. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $27.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $10.75.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2020–21967 Filed 10–2–20; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of a Change in Status of an Extended Benefit (EB) Program for Wyoming

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

This notice announces a change in benefit period eligibility under the EB program for Wyoming.

The following change has occurred since the publication of the last notice regarding the State's EB status:

- Wyoming's 13-week insured unemployment rate (IUR) for the week ending August 15, 2020, was 4.99 percent, falling below the 5.00 percent threshold necessary to remain ''on'' EB.
- However, Wyoming's mandatory 13-week ''on'' period does not expire until September 19, 2020. Therefore, the EB period for Wyoming will end on September 19, 2020. The state will remain in an ''off'' period for a minimum of 13 weeks.

Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state ending an EB period, the State Workforce Agency will furnish a written notice to each individual who is currently filing claims for EB of the forthcoming termination of the EB period and its effect on the individual's right to EB (20 CFR 615.13(c)).

FOR FURTHER INFORMATION CONTACT: U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, Room S–4524, Attn: Thomas Stengle, 200 Constitution Avenue NW, Washington, DC 20210, telephone number (202) 693–2991 (this is not a toll-free number) or by email: *Stengle.Thomas@dol.gov.*

Signed in Washington, DC.

John Pallasch,

Assistant Secretary for Employment and Training.

[FR Doc. 2020–21908 Filed 10–2–20; 8:45 am]

BILLING CODE 4510–FW–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 20–09]

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance for Fiscal Year 2021

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: This report to Congress is provided in accordance with the Millennium Challenge Act of 2003. The Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies the criteria and methodology

that MCC intends to use to determine which candidate countries may be eligible to be considered for assistance under the Millennium Challenge Act for fiscal year 2021. The report is set forth in full below.

Authority: Section 608(b)(2) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7707(b)(2) (the Act).

Dated: September 30, 2020.

Thomas G. Hohenthaner,

Acting VP/General Counsel and Corporate Secretary.

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance for Fiscal Year 2021

Summary

In accordance with section 608(b)(2) of the Act (22 U.S.C. 7707(b)(2)), the Millennium Challenge Corporation (MCC) is submitting the enclosed report. This report identifies the criteria and methodology that MCC intends to use to determine which candidate countries may be eligible to be considered for assistance under the Act for fiscal year 2021.

Under section 608(c)(1) of the Act (22 U.S.C. 7707(c)(1)), MCC will, for a thirty-day period following publication, accept and consider public comment for purposes of determining eligible countries under section 607 of the Act (22 U.S.C. 7706).

This document explains how the Board of Directors (the Board) of the Millennium Challenge Corporation (MCC) will identify, evaluate, and select eligible countries for fiscal year (FY) 2021. Specifically, this document discusses the following:

(I) Which countries MCC will evaluate
(II) How the Board evaluates these countries
- A. Overall evaluation
- B. For selection of an eligible country for a first compact
- C. For selection of an eligible country for a second or subsequent compact
- D. For selection of an eligible country for a concurrent compact
- E. For threshold program assistance
- F. A note on potential transition to upper middle income country status after initial selection

This report is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended (the Act), as more fully described in Appendix A.

I. Which countries are evaluated?

MCC evaluates the policy performance of all candidate countries and statutorily-prohibited countries by dividing them into two income categories for the purposes of creating ''scorecards.'' These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. In FY 2021, those scorecard evaluation income categories [1] are:

- Countries whose gross national income (GNI) per capita is $1,945 or less; and
- Countries whose GNI per capita is between $1,946 and $4,045.

Appendix B lists all candidate countries and statutorily-prohibited countries for scorecard evaluation purposes.

(II) How does the Board evaluate these countries?

A. Overall evaluation

The Board looks at three legislatively-mandated factors when it evaluates any candidate country for compact eligibility: (1) Policy performance; (2) the opportunity to reduce poverty and generate economic growth; and (3) the availability of MCC funds.

(1) Policy Performance

Appendix C describes all 20 indicators, their definitions, what is required to ''pass,'' their source, and their relationship to the legislative criteria. Because of the importance of evaluating a country's policy performance in a comparable, cross-country way, the Board relies to the maximum extent possible upon the best-available objective and quantifiable policy performance indicators. These indicators act as proxies for a country's commitment to just and democratic governance, economic freedom, and investing in its people, per MCC's founding legislation. Comprised of 20 third-party indicators in the categories of ruling justly, encouraging economic freedom, and investing in people, MCC scorecards are created for all candidate countries and statutorily-prohibited countries. To ''pass'' most indicators on its scorecard, a country's score on each indicator must be above the median score *in its income group* (as defined above for scorecard evaluation purposes). For the inflation, political rights, civil liberties, and immunization rates [2] indicators, however, minimum or maximum scores for ''passing'' have been established. In particular, the Board considers whether a country

- passed at least 10 of the 20 indicators, with at least one pass in each of the three categories,
- passed either the Political Rights or Civil Liberties indicator; and
- passed the Control of Corruption indicator.

While satisfaction of all three aspects means a country is termed to have ''passed'' the scorecard, the Board also considers whether the country performs ''substantially worse'' in any one policy category than it does on the scorecard overall.

The mandatory passing of either the Political Rights or Civil Liberties indicators is called the Democratic Rights ''hard hurdle'' on the scorecard, while the mandatory passing of the Control of Corruption indicator is called the Control of Corruption ''hard hurdle.'' Not passing either ''hard hurdle'' results in not passing the scorecard overall, regardless of whether at least 10 of the 20 other indicators are passed.

- *Democratic Rights ''hard hurdle:''* This hurdle sets a minimum bar for democratic rights below which the Board will not consider a country for eligibility. Requiring that a country pass *either* the Political Rights *or* Civil Liberties indicator creates a democratic incentive for countries, recognizes the importance democracy plays in driving poverty-reducing economic growth, and holds MCC accountable to working with the best governed, poorest countries. When a candidate country is only passing one of the two indicators comprising the hurdle (instead of both), the Board will also closely examine why it is not passing the other indicator to understand what the score implies for the broader democratic environment and trajectory of the country. This examination will include consultation with both local and international civil society experts, among others.
- *Control of Corruption ''hard hurdle:''* Corruption in any country is an unacceptable tax on economic growth and an obstacle to the private sector investment needed to reduce poverty. Accordingly, MCC seeks out partner countries that are committed to combatting corruption. It is for this reason that MCC also has the Control of

[1] These income groups correspond to the definitions of low income countries and lower middle countries using the historical International Development Association (IDA) threshold published by the World Bank. MCC has used these categories to evaluate country performance since FY 2004. Our amended statute no longer uses those definitions for funding purposes, but we will continue to use them for evaluation purposes.

[2] A minimum score required to pass has been established for the immunization rates indicator only when the median score is above a 90 percent immunization rate. Countries must score above 90 percent or the median for their scorecard income pool, whichever is lower, in order to pass the indicator.

Corruption ''hard hurdle,'' which helps ensure that MCC is working with countries where there is relatively strong performance in controlling corruption. Requiring the passage of the indicator provides an incentive for countries to demonstrate a clear commitment to controlling corruption, and allows MCC to better understand the issue by seeing how the country performs relative to its peers and over time.

Together, the 20 policy performance indicators are the predominant basis for determining which eligible countries will be selected for MCC assistance, and the Board expects a country to be passing its scorecard at the point the Board decides to select the country for either a first or second/subsequent compact. The Board, however, also recognizes that even the best-available data has inherent challenges. Data gaps, real-time events versus data lags, the absence of narratives and nuanced detail, and other similar weaknesses affect each of these indicators. As such, the Board uses its judgment to interpret policy performance as measured by the scorecards. The Board may also consult other sources of information to enhance its understanding of a country's policy performance beyond scorecard issues (*e.g.,* specific policy issues related to trade, the treatment of civil society, other U.S. aid programs, financial sector performance, and security/foreign policy concerns). The Board uses its judgment on how best to weigh such information in assessing overall policy performance.

(2) The Opportunity To Reduce Poverty and Generate Economic Growth

While the Board considers a range of other information sources depending on the country, specific areas of attention typically include better understanding issues and trends in, and trajectory of:

- The state of democratic and human rights (especially vulnerable groups [3]);
- civil society's perspective on salient governance issues;
- the control of corruption and rule of law;
- the potential for the private sector (both local and foreign) to lead investment and growth;
- poverty levels within a country; and
- the country's institutional capacity.

Where applicable, the Board also considers MCC's own experience and ability to reduce poverty and generate economic growth in a given country—such as considering MCC's core skills versus a country's needs, and MCC's capacity to work with a country.

This information provides greater clarity on the likelihood that MCC programs will have an appreciable impact on reducing poverty by generating economic growth in a given country. The Board has used such information to better understand when a country's performance on a particular indicator may not be up to date or is about to change. It has also used it to decline to select countries that are otherwise passing their scorecards. More details on this subject (sometimes referred to as ''supplemental information'') can be found on MCC's website: *https://www.mcc.gov/who-we-fund/indicators.*

(3) The Availability of MCC Funds

The final factor that the Board must consider when evaluating countries is the available funds. The agency's budget allocation is constrained, and often specifically limited, by provisions in our authorizing legislation and appropriations acts. MCC has a continuous pipeline of countries in compact development, compact implementation, threshold programs, and compact closure. Consequently, the Board factors in MCC's overall portfolio when making its selection decisions given the funding available for each planned or existing program.

* * * * *

The following subsections describe how each of these three legislatively-mandated factors are applied by the Board at the December Board meeting: Selection of countries for a compact, selection of countries for a second or subsequent compact, selection of countries for the threshold program, and selection of countries for a concurrent compact. A note follows on considerations for countries that might transition to upper middle income country status after initial selection.

B. Evaluation for Selection of Eligible Countries for a First Compact

When selecting eligible countries for a compact, the Board looks at all three legislatively-mandated aspects described in the previous section: (1) Policy performance, first and foremost as measured by the scorecards and bolstered through additional information (as described in the previous section); (2) the opportunity to reduce poverty and generate economic growth, examined through the use of other supporting information (as described in the previous section); and (3) available funding.

At a minimum, the Board considers whether a country passes its scorecard. It also examines supporting evidence that a country's commitment to just and democratic governance, economic freedom, and investing in its people is on a sound footing and performance is on a positive trajectory (especially on the ''hard hurdles'' of Democratic Rights and Control of Corruption), and that MCC has the funds to support a meaningful compact with that country. Where applicable, previous threshold program information is also considered. The Board then weighs the information described above across each of the three dimensions.

During the compact development period following initial selection, the Board reevaluates a selected country based on this same approach.

C. Evaluation for Selection of Eligible Countries for a Second or Subsequent Compact

Section 609(l) of the Act specifically authorizes MCC to enter into ''one or more subsequent Compacts.'' MCC does not consider the eligibility of a country for a subsequent compact, however, before the country has completed its compact or is within 18 months of compact completion, (*e.g.,* a second compact if it has completed or is within 18 months of completing its first compact). Selection for a subsequent compact is not automatic and is intended only for countries that (1) exhibit successful performance on their previous compact; (2) exhibit improved scorecard policy performance during the partnership; and (3) exhibit a continued commitment to further their sector reform efforts in any subsequent partnership. As a result, the Board has an even higher standard when selecting countries for subsequent compacts.

(1) Successful Implementation of the Previous Compact

To evaluate the previous compact's success, the Board examines whether the compact succeeded within its budget and time limits, in particular by looking at three aspects:

- *The degree to which there is evidence of strong political will and management capacity:* Is the partnership characterized by the country ensuring that both policy reforms and the compact program itself are both being implemented to the best of that country's ability?
- *The degree to which the country has exhibited commitment and capacity to achieve program results:* Are the financial and project results being achieved; to what degree is the country committing its own resources to ensure the compact is a success; to what extent is the private sector engaged (if

[3] For example: Women; children; LGBT individuals; people with disabilities; and workers.

relevant); and other compact-specific issues?

• *The degree to which the country has implemented the compact in accordance with MCC's core policies and standards:* Is the country adhering to MCC's policies and procedures, including in critical areas such as: remediating unresolved claims of fraud, corruption, or abuse of funds; procurement; and monitoring and evaluation?

Details on the specific information types examined and sources used in each of the three areas are provided in Appendix D. Overall, the Board is looking for evidence that the previous compact will be or has been completed on time and on budget, and that there is a commitment to continued, robust reform going forward.

(2) Improved Scorecard Policy Performance

The Board also expects the country to have improved its overall scorecard policy performance during the partnership, and to pass the scorecard in the year of selection for the subsequent compact. The Board focuses on the following:

• The overall scorecard pass/fail rate over time, and what this suggests about underlying policy performance, as well as an examination of the underlying reasons;

• The progress over time on policy areas measured by both hard-hurdle indicators—Democratic Rights and Control of Corruption—including an examination of the underlying reasons; and

• Other indicator trajectories deemed relevant by the Board.

In all cases, while the Board expects the country to be passing its scorecard, other sources of information are examined to understand the nuance and reasons behind scorecard or indicator performance over time, including any real-time updates, methodological changes within the indicators themselves, shifts in the relevant candidate pool, or alternative policy performance perspectives (such as gleaned through consultations with civil society and related stakeholders). Other information sources are also consulted to look at policy performance over time in areas not covered by the scorecard, but that are deemed important by the Board (such as trade, foreign policy concerns, etc.).

(3) A Commitment To Further Sector Reform

The Board expects that subsequent compacts will endeavor to tackle deeper policy reforms necessary to unlock an identified constraint to growth. Consequently, the Board considers its own experience during the previous compact in considering how committed the country is to reducing poverty and increasing economic growth, and tries to gauge the country's commitment to further sector reform should it be selected for a subsequent compact. This includes:

• Assessing the country's delivery of policy reform during the previous compact (as described above);

• Assessing expectations of the country's ability and willingness to continue embarking on sector policy reform in a subsequent compact;

• Examining both other information sources describing the opportunity to reduce poverty by generating growth (as outlined in A.2 above), and the first compact's relative success overall, as already discussed; and

• Finally, considering how well funding can be leveraged for impact, given the country's experience in the previous compact.

* * * * *

Through this overall approach to selection for a subsequent compact, the Board applies the three legislatively mandated evaluation criteria (policy performance, the opportunity to reduce poverty and generate economic growth, and available funds) in a way that assesses the previous partnership from a compact success standpoint, a commitment to improved scorecard policy performance standpoint, and a commitment to continued sector policy reform standpoint. The Board then weighs all of the information described above in making a decision.

During the compact development period following initial selection, the Board reevaluates a selected country based on this same approach.

D. Evaluation for Concurrent Compacts

Section 609(k) of the Act authorizes MCC to enter into one additional concurrent compact with a country if one or both of the compacts with the country is for the purpose of regional economic integration, increased regional trade, or cross-border collaborations.

The fundamental criteria and process for the selection of countries for such compacts remains the same as those for the selection of countries for non-concurrent compacts: countries continue to be evaluated and selected individually, as described in sections II.A, II.B, II.C, and II.F.

Section 609(k) also requires as a precondition for a concurrent compact that the Board determine that the country is making ''considerable and demonstrable progress in implementing the terms of the existing Compact and supplementary agreements thereto.'' This statutory requirement is fully consistent with prior Board practice regarding the selection of a country for a non-concurrent compact. For a country where a concurrent compact is contemplated, the Board will take into account whether there is clear evidence of success, as relevant to the phase of the current compact. Among other information, the Board will examine the evaluation criteria described in Section II.C.1 above, notably:

• The degree to which there is evidence of strong political will and management capacity;

• The degree to which the country has exhibited commitment and capacity to achieve program results; and

• The degree to which the country has implemented the compact in accordance with MCC's core policies and standards.

In addition to providing information to the Board so it can make its determination regarding the country's progress in implementing its current compact, MCC will provide the Board with additional information relating to the potential for regional economic integration, increased regional trade, or cross-border collaborations for any country being considered for a concurrent compact. This information may include items such as:

• The current state of a country's regional integration, such as common financial and political dialogue frameworks, integration of productive value chains, and cross-border flows of people, goods, and services.

• The current and potential level of trade between a country and its neighbors, including analysis of trade flows and unexploited potential for trade, and an assessment of the extent and significance of tariff and non-tariff barriers, including information regarding the patterns of trade.

• The potential gains from cross-border cooperation between a country and its neighbors to alleviate bilateral and regional bottlenecks to economic growth and poverty reduction, such as through physical infrastructure or coordinated policy and institutional reforms.

The Board can then weigh all information as a whole—the fundamental selection factors described in sections II.A, II.B, II.C, and II.F, the information regarding implementation of the current compact, and any additional relevant information regarding potential regional integration—to determine whether or not to direct MCC to seek to enter into a concurrent compact with a country.

E. Evaluation for Threshold Program Assistance

The Board may also evaluate countries for participation in the threshold program. Threshold programs provide assistance to candidate countries exhibiting a significant commitment to meeting the criteria described in the previous subsections, but failing to meet such requirements. Specifically, in examining a candidate country's policy performance, the opportunity to reduce poverty and generate economic growth, and available funds, the Board will consider whether a country appears to be on a trajectory to becoming viable for compact eligibility in the medium or short term.

F. A Note on Potential Transition to Upper Middle Income Country (UMIC) Status After Initial Selection

Some candidate countries may have a high per capita income or a high growth rate that implies there is a chance they could transition to UMIC status during the life of an MCC partnership. In such cases, it is not possible to accurately predict if or when such country may transition to UMIC status.

Nonetheless, such countries may have more resources at their disposal for funding their own growth and poverty reduction strategies. As a result, in addition to using the regular selection criteria described in the previous sections, the Board will also use its discretion to assess both the need and the opportunity presented by partnering with such a country, in order to ensure that there is a higher bar for possible selection.

Specifically, if a candidate country with a high probability of transitioning to UMIC status is under consideration for selection, the Board will examine additional data and information related to the following:

- Whether the country faces significant challenges accessing other sources of development financing (such as international capital, domestic resources, and other donor assistance) and, if so, whether MCC grant financing would be an appropriate tool;
- Whether the nature of poverty in the country (for example, high inequality or poverty headcount ratios relative to peer countries) presents a clear and strategic opportunity for MCC to assist the country in reducing such poverty through projects that spur economic growth;
- Whether the country demonstrates particularly strong policy performance, including policies and actions that demonstrate a clear priority on poverty reduction; and
- Whether MCC can reasonably expect that the country would contribute a significant amount of funding to the compact.

These additional criteria would then be applied in any additional years of selection as the country continues to develop its compact. Should a country eventually transition to UMIC status during compact development, a country would no longer be a candidate for selection for that fiscal year. Continuing compact development beyond that point would then be at the Board's discretion.

Appendix A: Statutory Basis for This Report

This report to Congress is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended (the Act), 22 U.S.C. 7707(b).

Section 605 of the Act authorizes the provision of assistance to countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries for compact assistance for FY 2021 based on the countries' demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, MCC's opportunity to reduce poverty and generate economic growth in the country, and the availability of funds. These steps include the submission of reports to the congressional committees specified in the Act and publication of information in the **Federal Register** that identify:

(1) The countries that are ''candidate countries'' for assistance for FY 2021 based on per capita income levels and eligibility to receive assistance under U.S. law (section 608(a) of the Act; 22 U.S.C. 7707(a));

(2) The criteria and methodology that MCC's Board of Directors (Board) will use to measure and evaluate policy performance of the candidate countries consistent with the requirements of section 607 of the Act (22 U.S.C. 7706) in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act; 22 U.S.C. 7707(b)); and

(3) The list of countries determined by the Board to be ''eligible countries'' for FY 2021, with justification for eligibility determination and selection for compact negotiation, including those eligible countries with which MCC will seek to enter into compacts (section 608(d) of the Act; 22 U.S.C. 7707(d)).

This report satisfies item 2 above.

Appendix B: Lists of all Candidate Countries and Statutorily-Prohibited Countries for Evaluation Purposes

Income Groups for Scorecards

Since MCC was created, it has relied on the *World Bank's gross national income (GNI) per capita income data* (Atlas method) and the historical ceiling for eligibility as set by the World Bank's International Development Association (IDA) to divide countries into two income categories for purposes of creating scorecards. These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. Using the historical IDA eligibility ceiling for the scorecard evaluation groups ensures that the poorest countries compete with their income level peers and are not compared against countries with more resources to mobilize.

MCC will continue to use the historical IDA classifications for eligibility to categorize countries in two groups for purposes of FY 2021 scorecard comparisons:

- Countries with GNI per capita equal to or less than IDA's historical ceiling for eligibility (*i.e.,* $1,945 for FY 2021); and
- Countries with GNI per capita above IDA's historical ceiling for eligibility but below the World Bank's upper middle income country threshold (*i.e.,* $1,946 and $4,045 for FY 2021).

The list of countries for FY 2021 scorecard assessments is set forth below:

Countries With GNI per Capita of $1,945 or Less

1. Afghanistan
2. Bangladesh
3. Benin
4. Burkina Faso
5. Burma
6. Burundi
7. Cambodia
8. Cameroon
9. Central African Republic
10. Chad
11. Comoros
12. Congo, Democratic Republic of the
13. Congo, Republic of the
14. Eritrea
15. Ethiopia
16. Gambia, The
17. Guinea
18. Guinea-Bissau
19. Haiti
20. Kenya
21. Kyrgyzstan
22. Lesotho
23. Liberia
24. Madagascar
25. Malawi
26. Mali
27. Mauritania
28. Mozambique
29. Nepal
30. Nicaragua
31. Niger
32. North Korea
33. Pakistan
34. Rwanda
35. Senegal
36. Sierra Leone
37. Somalia
38. South Sudan
39. Sudan
40. Syria
41. Tajikistan
42. Tanzania
43. Timor-Leste
44. Togo
45. Uganda
46. Uzbekistan
47. Yemen
48. Zambia
49. Zimbabwe

Countries With GNI per Capita Between $1,946 and $4,045

1. Algeria
2. Angola
3. Bhutan
4. Bolivia
5. Cabo Verde
6. Côte d'Ivoire
7. Djibouti
8. Egypt
9. El Salvador
10. Eswatini
11. Ghana
12. Honduras
13. India
14. Kiribati
15. Laos
16. Micronesia, Federated States of
17. Moldova
18. Mongolia
19. Morocco
20. Nigeria
21. Papua New Guinea
22. Philippines
23. São Tomé and Príncipe
24. Solomon Islands
25. Sri Lanka
26. Tunisia
27. Ukraine
28. Vanuatu
29. Vietnam

Statutorily-Prohibited Countries

1. Afghanistan
2. Algeria
3. Burma
4. Burundi
5. Cambodia
6. Comoros
7. Eritrea
8. Lesotho
9. Nicaragua
10. North Korea
11. Papua New Guinea
12. South Sudan
13. Sudan
14. Syria
15. Zimbabwe

Appendix C: Indicator Definitions

The following indicators will be used to measure candidate countries' demonstrated commitment to the criteria found in section 607(b) of the Act. The indicators are intended to assess the degree to which the political and economic conditions in a country serve to promote broad-based sustainable economic growth and reduction of poverty and thus provide a sound environment for the use of MCC funds. The indicators are not goals in themselves; rather, they are proxy measures of policies that are linked to broad-based sustainable economic growth. The indicators were selected based on (i) their relationship to economic growth and poverty reduction; (ii) the number of countries they cover; (iii) transparency and availability; and (iv) relative soundness and objectivity. Where possible, the indicators are developed by independent sources. Listed below is a brief summary of the indicators (a detailed rationale for the adoption of these indicators can be found in the Public Guide to the Indicators on MCC's public website at *www.mcc.gov*).

Ruling Justly

1. *Political Rights:* Independent experts rate countries on the prevalence of free and fair electoral processes; political pluralism and participation of all stakeholders; government accountability and transparency; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups, among other things. Pass: Score must be above the minimum score of 17 out of 40. Source: *Freedom House*
2. *Civil Liberties:* Independent experts rate countries on freedom of expression and belief; association and organizational rights; rule of law and human rights; and personal autonomy and economic rights, among other things. Pass: Score must be above the minimum score of 25 out of 60. Source: *Freedom House*
3. *Freedom of Information:* Measures the legal and practical steps taken by a government to enable or allow information to move freely through society; this includes measures of press freedom, national freedom of information laws, and the extent to which a county is shutting down social media or the internet. Pass: Score must be above the median score for the income group. Source: *Reporters Without Borders/Access Now/Centre for Law and Democracy.*
4. *Government Effectiveness:* An index of surveys and expert assessments that rate countries on the quality of public service provision; civil servants' competency and independence from political pressures; and the government's ability to plan and implement sound policies, among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*
5. *Rule of Law:* An index of surveys and expert assessments that rate countries on the extent to which the public has confidence in and abides by the rules of society; the incidence and impact of violent and nonviolent crime; the effectiveness, independence, and predictability of the judiciary; the protection of property rights; and the enforceability of contracts, among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*
6. *Control of Corruption:* An index of surveys and expert assessments that rate countries on: ''grand corruption'' in the political arena; the frequency of petty corruption; the effects of corruption on the business environment; and the tendency of elites to engage in ''state capture,'' among other things. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*

Encouraging Economic Freedom

1. *Fiscal Policy:* General government net lending/borrowing as a percent of gross domestic product (GDP), averaged over a three year period. Net lending/borrowing is calculated as revenue minus total expenditure. The data for this measure comes from the IMF's World Economic Outlook. Pass: Score must be above the median score for the income group. Source: *The International Monetary Fund's World Economic Outlook Database*
2. *Inflation:* The most recent average annual change in consumer prices. Pass: Score must be 15 percent or less. Source: *The International Monetary Fund's World Economic Outlook Database*
3. *Regulatory Quality:* An index of surveys and expert assessments that rate countries on the burden of regulations on business; price controls; the government's role in the economy; and foreign investment regulation, among other areas. Pass: Score must be above the median score for the income group. Source: *Worldwide Governance Indicators (World Bank/Brookings)*
4. *Trade Policy:* A measure of a country's openness to international trade based on weighted average tariff rates and non-tariff barriers to trade. Pass: Score must be above the median score for the income group. Source: *The Heritage Foundation*
5. *Gender in the Economy:* An index that measures the extent to which laws provide men and women equal capacity to generate income or participate in the economy, including factors such as the capacity to access institutions, get a job, register a business, sign a contract, open a bank account, choose where to live, to travel freely, property rights protections, protections against domestic violence, and child marriage, among others. Pass: Score must be above the median score for the income group. Source: *Women, Business, and the Law (World Bank)*
6. *Land Rights and Access:* An index that rates countries on the extent to which the institutional, legal, and market framework provide secure land tenure and equitable access to land in rural areas and the time and cost of property registration in urban and peri-urban areas. Pass: Score must be above the median score for the income group. Source: *The International Fund for Agricultural Development and World Bank*
7. *Access to Credit:* An index that rates countries on rules and practices affecting the coverage, scope, and accessibility of credit information available through either a public credit registry or a private credit bureau; as well as legal rights in collateral laws and bankruptcy laws. Pass: Score must be above the median score for the income group. Source: *World Bank*
8. *Business Start-Up:* An index that rates countries on the time and cost of complying with all procedures officially required for an entrepreneur to start up and formally operate an industrial or commercial business. Pass: Score must be above the median score for the income group. Source: *World Bank*

Investing in People

1. *Public Expenditure on Health:* Total current expenditures on health by government (excluding funding sourced from external donors) at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The World Health Organization*
2. *Total Public Expenditure on Primary Education:* Total expenditures on primary education by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: *The United Nations Educational, Scientific and Cultural Organization and National Governments*
3. *Natural Resource Protection:* Assesses whether countries are protecting up to 17 percent of all their biomes (*e.g.,* deserts, tropical rainforests, grasslands, savannas and tundra). Pass: Score must be above the median score for the income group. Source: *The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy*
4. *Immunization Rates:* The average of DPT3 and measles immunization coverage rates for the most recent year available. Pass: Score must be above either the median score for the income group or 90 percent, whichever is lower. Source: *The World Health Organization and the United Nations Children's Fund*
5. Girls Education:
   a. *Girls' Primary Completion Rate:* The number of female students enrolled in the last grade of primary education minus repeaters divided by the population in the relevant age cohort (gross intake ratio in the last grade of primary). Countries with a GNI/capita of $1,945 or less are assessed on this indicator. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization*
   b. *Girls Secondary Enrollment Education:* The number of female pupils enrolled in lower secondary school, regardless of age, expressed as a percentage of the population of females in the theoretical age group for lower secondary education. Countries with a GNI/capita between $1,946 and $4,045 are assessed on this indicator instead of Girls Primary Completion Rates. Pass: Score must be above the median score for the income group. Source: *United Nations Educational, Scientific and Cultural Organization*
6. *Child Health:* An index made up of three indicators: (i) Access to improved water, (ii) access to improved sanitation, and (iii) child (ages 1–4) mortality. Pass: Score must be above the median score for the income group. Source: *The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy*

Relationship to Legislative Criteria

Within each policy category, the Act sets out a number of specific selection criteria. A set of objective and quantifiable policy indicators is used to inform eligibility decisions for assistance and to measure the relative performance by candidate countries against these criteria. The Board's approach to determining eligibility ensures that performance against each of these criteria is assessed by at least one of the objective indicators. Most are addressed by multiple indicators. The specific indicators appear in parentheses next to the corresponding criterion set out in the Act.

Section 607(b)(1): Just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism, equality and the rule of law (*Political Rights, Civil Liberties, Rule of Law, and Gender in the Economy*);

(B) respect human and civil rights, including the rights of people with disabilities (*Political Rights, Civil Liberties, and Freedom of Information*);

(C) protect private property rights (*Civil Liberties, Regulatory Quality, Rule of Law, and Land Rights and Access*);

(D) encourage transparency and accountability of government (*Political Rights, Civil Liberties, Freedom of Information, Control of Corruption, Rule of Law, and Government Effectiveness*);

(E) combat corruption (*Political Rights, Civil Liberties, Rule of Law, Freedom of Information, and Control of Corruption*); and

(F) the quality of the civil society enabling environment (*Civil Liberties, Freedom of Information, and Rule of Law*)

Section 607(b)(2): Economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and international capital markets (*Fiscal Policy, Inflation, Trade Policy, and Regulatory Quality*);

(B) promote private sector growth (*Inflation, Business Start-Up, Fiscal Policy, Land Rights and Access, Access to Credit, Gender in the Economy, and Regulatory Quality*);

(C) strengthen market forces in the economy (*Fiscal Policy, Inflation, Trade Policy, Business Start-Up, Land Rights and Access, Access to Credit, and Regulatory Quality*); and

(D) respect worker rights, including the right to form labor unions (*Civil Liberties and Gender in the Economy*)

Section 607(b)(3): Investments in the people of such country, particularly women and children, including programs that—

(A) promote broad-based primary education (*Girls' Primary Completion Rate, Girls' Secondary Education Enrollment Rate, and Total Public Expenditure on Primary Education*);

(B) strengthen and build capacity to provide quality public health and reduce child mortality (*Immunization Rates, Public Expenditure on Health, and Child Health*); and

(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources (*Natural Resource Protection*).

Appendix D: Subsequent and Concurrent Compact Considerations

MCC reporting and data in the following chart are used to assess compact performance of MCC compact countries nearing the end of compact implementation (*i.e.,* within 18 months of compact end date), or for current MCC compact countries under consideration for a concurrent compact, where appropriate. Some reporting used for assessment may contain sensitive information and adversely affect implementation or MCC-partner country relations. This information is for MCC's internal use and is not made public. However, key implementation information is summarized in compact status and results reports that are published quarterly on MCC's website under MCC country programs (*https://www.mcc.gov/where-we-work*) or monitoring and evaluation (*https://www.mcc.gov/our-impact/m-and-e*) web pages.

For completed compacts, additional information is used to assess compact performance and is found in a country's Star Report. The Star Report and its associated quarterly business process capture key information to provide a framework for results and improve the ability to disseminate learning and evidence throughout the lifecycle of an MCC investment from selection to final evaluation. For each compact and threshold program, evidence is collected on performance indicators, evaluation results, partnerships, sustainability efforts, and learning, among other elements.

Topic	MCC reporting/data source	Published documents
Country Partnership Political Will • Status of major conditions precedent. • Program oversight/implementation. ○ project restructures ○ partner response to accountable entity capacity issues. • Political independence of the accountable entity. Management Capacity • Project management capacity. • Project performance • Level of MCC intervention/oversight. • Relative level of resources required.	• *Quarterly implementa-tion reporting.* • *Quarterly results reporting* • *MCC Star Reports*	• *Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Star Reports (available by country): https://www.mcc.gov/resources?fwp_resource_type=star-report.*
Program Results Financial Results • Commitments—including contributions to compact funding. • Disbursements Project Results • Output, outcome, objective targets. • Accountable entity commitment to 'focus on results'. • Accountable entity cooperation on impact evaluation. • Percent complete for process/outputs. • Relevant outcome data • Details behind target delays Target Achievements	• *Indicator tracking tables* • *Quarterly financial reporting* • *Quarterly implementation reporting.* • *Quarterly results reporting* • *Impact evaluations* • *MCC Star Reports*	• *Monitoring and Evaluation Plans (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Quarterly results published as "Table of Key Performance Indicators"* (available by country): *https://www.mcc.gov/our-impact/m-and-e.* • *Star Reports (available by country): https://www.mcc.gov/resources?fwp_resource_type=star-report.*
Adherence to Standards • Procurement • Environmental and social • Fraud and corruption • Program closure • Monitoring and evaluation • All other legal provisions	• *Audits (GAO and OIG)* • *Quarterly implementa-tion reporting.* • *MCC Star Reports*	• *Published OIG and GAO audits* • *Star Reports (available by country): https://www.mcc.gov/resources?fwp_resource_type=star-report.*
Country Specific Sustainability • Implementation entity • MCC investments Role of private sector or other donors. • Other relevant investors/investments. • Other donors/programming • Status of related reforms • Trajectory of private sector involvement going forward.	• *Quarterly implementa-tion reporting.* • *Quarterly results reporting* • *MCC Star Reports*	• *Quarterly results published as "Table of Key Performance Indicators" (available by country): https://www.mcc.gov/our-impact/m-and-e.* • *Star Reports (available by country): https://www.mcc.gov/resources?fwp_resource_type=star-report.*

[FR Doc. 2020–21971 Filed 10–2–20; 8:45 am]
BILLING CODE 9211–03–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Submission for OMB Review, Comment Request, Proposed Collection Requests: Evaluation and Learning for IMLS's Applying Promising Practices for Small and Rural Libraries (APP) Program

AGENCY: Institute of Museum and Library Services, National Foundation on the Arts and the Humanities.

ACTION: Submission for OMB Review, comment request.

SUMMARY: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this Notice is to solicit comments about this assessment process, instructions, and data collections.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **FOR FURTHER INFORMATION CONTACT** section below on or before November 2, 2020.

OMB is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses).

ADDRESSES: Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316.

FOR FURTHER INFORMATION CONTACT: Dr. Marvin Carr, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024–2135. Dr. Carr can be reached by Telephone: 202–653–4752, or by email at *mcarr@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION:

The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to work together to transform the lives of individuals and communities. To learn more, visit *www.imls.gov.*

Current Actions: The Applying Promising Practices for Small and Rural Libraries (APP) program is a special initiative, funded through the IMLS Office of Library Services. The goal of this initiative is to support projects that strengthen the ability of small and rural libraries and archives to serve their communities in the areas of digital inclusion, community memory, and school library practice.

The agency seeks to undertake a systematic assessment to better understand the methods for building the capacity of these small and rural libraries and archives to serve their communities. The proposed evaluation approach is intended to provide a reasonable balance between scientific considerations for valid and reliable evidence and stakeholder utilization of the acquired knowledge. This investigation is intended to inform IMLS decision-making for current and future grant-making in this grant program, as well as practices in this segment of the library sector.

This action is to seek approval for the information collection for the Evaluation and Learning for IMLS's Applying Promising Practices for Small and Rural Libraries (APP) program for the next three years.

The 60-day notice for the Evaluation and Learning for IMLS's Applying Promising Practices for Small and Rural Libraries (APP) Program, was published in the **Federal Register** on February 25, 2020 (85 FR 10728–10729). One comment was received.

Agency: Institute of Museum and Library Services.

Title: Evaluation and Learning for IMLS's Applying Promising Practices for Small and Rural Libraries (APP) program.

OMB Number: 3137–NEW.

Agency Number: 3137.

Affected Public: Federal, State and local governments, museums, libraries, and institutions of higher education.

Number of Respondents: 339.

Frequency: Once.

Burden Hours per Respondent: 0.746.

Total Burden Hours: 189.

Total Annual Cost: $591,60.

Total Federal Costs: $627,038.

Dated: September 30, 2020.

Kim Miller,

Senior Grants Management Specialist, Institute of Museum and Library Services.

[FR Doc. 2020–21923 Filed 10–2–20; 8:45 am]
BILLING CODE 7036–01–P

NATIONAL LABOR RELATIONS BOARD

Sunshine Act Meetings Notice

TIME AND DATE: Each Wednesday of every month through Fiscal Year 2021 at 2:00 p.m. Changes in date and time will be posted at *www.nlrb.gov.*

PLACE: During the pandemic, meetings will be held via video conferencing technology. If Board meetings resume in person, the Board will meet in the Board Agenda Room, No. 5065, 1015 Half St., SE, Washington DC. Any in-person meetings will be noted at *www.nlrb.gov.*

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pursuant to § 102.139(a) of the Board's Rules and Regulations, the Board or a panel thereof will consider ''the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct, or disposition . . . of particular representation or unfair labor practice proceedings under section 8, 9, or 10 of the [National Labor Relations] Act, or any court proceedings collateral or ancillary thereto.'' See also 5 U.S.C. 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Roxanne L. Rothschild, Executive Secretary, 1015 Half Street SE, Washington, DC 20570. Telephone: (202) 273–1940.

Dated: October 1, 2020.

Roxanne L. Rothschild,

Executive Secretary,National Labor Relations Board.

[FR Doc. 2020–22103 Filed 10–1–20; 4:15 pm]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2020–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of October 5, 12, 19, 26, November 2, 9, 2020.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Week of October 5, 2020

Thursday, October 8, 2020

9:55 a.m. Affirmation Session (Public Meeting) (Tentative)

a. Crow Butte Resources, Inc. (In Situ Leach Uranium Recovery Facility) Applicant's Petition for Review of LBP–16–7 and LBP–15–11 (Tentative)

b. Powertech (USA), Inc. (Dewey-Burdock In Situ Recovery Facility); Petitions for Review (Tentative)

c. Exelon Generation Company, LLC (Three Mile Island Nuclear Station, Units 1 and 2), Referred Motion Relating to LBP–20–2 (Denial of Hearing Request Relating to Emergency Planning License Amendment) (Tentative); (Contact: Denise McGovern: 301–415–0681)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Thursday, October 8, 2020

10:00 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting); (Contact: Celimar Valentin-Rodriguez: 301–415–7124)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Week of October 12, 2020—Tentative

There are no meetings scheduled for the week of October 12, 2020.

Week of October 19, 2020—Tentative

Wednesday, October 21, 2020

9:30 a.m. Briefing on Human Capital and Equal Employment Opportunity (Public Meeting); (Contact: Randi Neff: 301–287–0583)

Additional Information: The meeting scheduled on October 21, 2020 at 9:30 a.m., Briefing on Human Capital and Equal Employment Opportunity, was previously scheduled to start at 10:00 a.m. Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

1:00 p.m. All Employees Meeting with the Commissioners (Public Meeting); (Contact: Maria Arribas-Colon: 301–415–6026)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Week of October 26, 2020—Tentative

There are no meetings scheduled for the week of October 26, 2020.

Week of November 2, 2020—Tentative

Thursday, November 5, 2020

9:00 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Nuclear Materials Users Business Lines (Public Meeting); (Contact: Celimar Valentin- Rodriguez: 301–415–7124)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://www.nrc.gov/.*

Week of November 9, 2020—Tentative

There are no meetings scheduled for the week of November 9, 2020.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at:

https://www.nrc.gov/public-involve/public-meetings/schedule.html.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or by email at *Wendy.Moore@nrc.gov* or *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: October 1, 2020.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Policy Coordinator,Office of the Secretary.

[FR Doc. 2020–22055 Filed 10–1–20; 4:15 pm]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. Title and purpose of information collection: Application for Employee Annuity Under the Railroad Retirement Act; OMB 3220–0002.

Section 2(a) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a) provides for payments of age and service, disability, and supplemental annuities to qualified employees. An

annuity cannot be paid until the employee stops working for a railroad employer. In addition, the age and service employee must relinquish any rights held to such jobs. A disabled employee does not need to relinquish employee rights until attaining Full Retirement Age, or if earlier, when their spouse is awarded a spouse annuity. Benefits become payable after the employee meets certain other requirements, which depend on the type of annuity payable. The requirements for obtaining the annuities are prescribed in 20 CFR 216 and 220.

To collect the information needed to help determine an applicant's entitlement to, and the amount of, an employee retirement annuity the RRB uses Forms AA–1, *Application for Employee Annuity;* AA–1d, *Application for Determination of Employee Disability;* G–204, *Verification of Workers Compensation/Public Disability Benefit Information,* and electronic Forms AA–1cert, *Application Summary and Certification,* AA–1sum, *Application Summary, and* AA–1 (internet), *Application for Employee Annuity.*

The AA–1 application process obtains information from an applicant about their marital history, work history, military service, benefits from other governmental agencies, railroad pensions and Medicare entitlement for either an age and service or disability annuity. An RRB representative interviews the applicant either at a field office, an itinerant point, or by telephone. During the interview, the RRB representative enters the information obtained into an on-line information system. Upon completion of the interview, the on-line information system generates Form AA–1cert, *Application Summary and Certification,* or Form AA–1sum, *Application Summary,* a summary of the information that was provided for the applicant to review and approve. Form AA–1cert documents approval using the traditional pen and ink ''wet'' signature, and Form AA–1sum documents approval using the alternative signature method called Attestation. When the RRB representative is unable to contact the applicant in person or by telephone, for example, the applicant lives in another country, a manual version of Form AA–1 is used.

Form AA–1d, *Application for Determination of Employee's Disability,* is completed by an employee who is filing for a disability annuity under the RRA, or a disability freeze under the Social Security Act, for early Medicare based on a disability. Form G–204, *Verification of Worker's Compensation/Public Disability Benefit Information,* is used to obtain and verify information concerning a worker's compensation or a public disability benefit that is or will be paid by a public agency to a disabled railroad employee. Form AA–1 (internet) can be completed by the applicant and submitted through the RRB's website at *www.rrb.gov.* One response is requested of each respondent. Completion of the forms is required to obtain/retain a benefit. The RRB proposes no changes to Form AA–1 and Form AA–1 (internet). The RRB propose a minor editorial change to Form AA–1d to change the date under Section 1 ''General Instructions''. The RRB propose the following change to Form G–204: update the title in the Paperwork Reduction Act and Privacy Act Notices to Associate Chief Information Officer for Policy and Compliance.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
AA–1 (without assistance)	35	62	36
AA–1cert (with assistance)	7,050	30	3,525
AA–1sum (with assistance)	2,415	29	1,166
AA–1 (Internet) (without assistance)	3,220	45	2,415
AA–1d (with assistance)	2,600	60	2,600
AA–1d (without assistance)	5	85	7
G–204	20	15	5
Total	15,345	.....	9,754

2. *Title and purpose of information collection:* Certification of Termination of Service and Relinquishment of Rights; OMB 3220–0016.

Under Section 2(e)(2) of the Railroad Retirement Act (RRA) (45 U.S.C. 231a), an age and service annuity, spouse annuity, or divorced spouse annuity cannot be paid unless the Railroad Retirement Board (RRB) has evidence that the applicant has ceased railroad employment and relinquished rights to return to the service of a railroad employer. Under Section 2(f)(6) of the RRA, earnings deductions are required for each month an annuitant works in certain non-railroad employment termed Last Pre-Retirement Non-Railroad Employment.

Normally, the employee, spouse, or divorced spouse relinquishes rights and certifies that employment has ended as part of the annuity application process. However, this is *not always* the case. In limited circumstances, the RRB utilizes Form G–88, *Certification of Termination of Service and Relinquishment of Rights,* to obtain an applicant's report of termination of employment and relinquishment of rights. One response is required of each respondent. Completion is required to obtain or retain benefits. The RRB proposes no changes to Form G–88.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–88	3,600	6	360

3. *Title and purpose of information collection:* Statement of Authority to Act for Employee; OMB 3220–0034.

Under Section 5(a) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 355), claims for benefits are to be made in accordance with such regulations as the Railroad Retirement Board (RRB) shall prescribe. The provisions for claiming sickness benefits as provided by Section 2 of the RUIA are prescribed in 20 CFR 335.2. Included in these provisions is the RRB's acceptance of forms executed by someone else on behalf of an employee if the RRB is satisfied that the employee is sick or injured to the extent of being unable to sign forms.

The RRB utilizes Form SI–10, Statement of Authority to Act for Employee, to provide the means for an individual to apply for authority to act on behalf of an incapacitated employee and also to obtain the information necessary to determine that the delegation should be made. Part I of the form is completed by the applicant for the authority and Part II is completed by the employee's doctor. One response is requested of each respondent. Completion is required to obtain benefits. The RRB proposes no changes to Form SI–10.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
SI–10	30	6	3

4. *Title and purpose of information collection:* Employee Non-Covered Service Pension Questionnaire; OMB 3220–0154.

Section 215(a)(7) of the Social Security Act provides for a reduction in social security benefits based on employment not covered under the Social Security Act or the Railroad Retirement Act (RRA). This provision applies a different social security benefit formula to most workers who are first eligible after 1985 to both a pension based in whole or in part on non-covered employment and a social security retirement or disability benefit. There is a guarantee provision that limits the reduction in the social security benefit to one-half of the portion of the pension based on non-covered employment after 1956. Section 8011 of Public Law 100–647 changed the effective date of the onset from the first month of eligibility to the first month of concurrent entitlement to the non-covered service benefit and the RRA benefit.

Section 3(a)(1) of the RRA (45 U.S.C. 231b) provides that the Tier I benefit of an employee annuity shall be equal to the amount (before any reduction for age or deduction for work) the employee would receive if entitled to a like benefit under the Social Security Act. The reduction for a non-covered service pension also applies to a Tier I portion of the employee annuity under the RRA when the annuity or non-covered service pension begins after 1985. Since the amount of a spouse's Tier I benefit is one-half of the employee's Tier I, the spouse annuity is also affected.

Form G–209, Employee Non-Covered Service Pension Questionnaire, is used by the RRB to obtain needed information (1) from a railroad employee who while completing Form AA–1, Application for Employee Annuity (OMB No. 3220–0002), indicates entitlement to or receipt of a pension based on employment not covered under the Railroad Retirement Act or the Social Security Act; or (2) from a railroad employee when an independently-entitled divorced spouse applicant believes the employee to be entitled to a non-covered service pension. However, this development is unnecessary if RRB records indicate the employee has 30 or more years of coverage; or (3) from an employee annuitant who becomes entitled to a pension based on employment not covered under the Railroad Retirement Act or the Social Security Act. One response is requested of each respondent. Completion is required to obtain or retain benefits. The RRB proposes no changes to Form G–209.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G–209 (Partial Questionnaire)	50	1	1
G–209 (Full Questionnaire)	100	8	13
Total	150	.....	14

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.* Written comments should be received within 60 days of this notice.

Brian Foster,

Clearance Officer.

[FR Doc. 2020–21906 Filed 10–2–20; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, the Securities and Exchange Commission will hold an Open Meeting on Wednesday, October 7, 2020, at 10:00 a.m.

PLACE: The meeting will be held via remote means and/or at the

Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 10:00 a.m. (ET) and will be open to the public via audio webcast only on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: The Commission will consider whether to issue a Notice, proposing to grant a conditional exemption, pursuant to Sections 15(a)(2) and 36(a)(1) of the Securities Exchange Act of 1934 (''Exchange Act''), from the broker registration requirements of Section 15(a) of the Exchange Act to permit natural persons to engage in certain limited activities on behalf of issuers, subject to conditions. The Commission would solicit comment on the proposed exemption, which seeks to assist small businesses in raising capital and provide regulatory clarity. Specifically, observers have noted that small businesses frequently encounter challenges connecting with investors in the exempt market, particularly in regions that lack robust capital raising networks. So-called ''finders,'' who may identify and in certain circumstances solicit potential investors, often play an important and discrete role in bridging the gap between small businesses that need capital and investors who are interested in supporting emerging enterprises.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact Vanessa A. Countryman, Office of the Secretary, at (202) 551–5400.

Dated: September 30, 2020.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2020–22009 Filed 10–1–20; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–89819; File No. SR–BX–2020–027]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Decommission TradeInfo

September 10, 2020

Correction

In notice document 2020–20359, published on pages 57893–57895, in the issue of Wednesday, September 16, 2020, make the following correction:

On page 57895, in the second column, beginning on the 16th line, ''October 7, 2020September 16, 2020'' should read ''October 7, 2020''.

[FR Doc. C1–2020–20359 Filed 10–2–20; 8:45 am]

BILLING CODE 1301–00–D

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16662 and #16663; CALIFORNIA Disaster Number CA–00327]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of California (FEMA—4558—DR), dated 08/22/2020.

Incident: Wildfires.

Incident Period: 08/14/2020 and continuing.

DATES: Issued on 09/28/2020.

Physical Loan Application Deadline Date: 10/21/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT:

A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of California, dated 08/22/2020, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Nevada, Santa Clara

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–21930 Filed 10–2–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16603 and #16604; California Disaster Number CA–00325]

Presidential Declaration Amendment of a Major Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of California (FEMA–4558–DR), dated 08/22/2020.

Incident: Wildfires.

Incident Period: 08/14/2020 and continuing.

DATES: Issued on 09/28/2020.

Physical Loan Application Deadline Date: 10/21/2020.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT:

A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of CALIFORNIA, dated 08/22/2020, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Santa Clara

Contiguous Counties (Economic Injury Loans Only):

California: Merced, San Joaquin, Stanislaus.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2020–21929 Filed 10–2–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before November 4, 2020.

ADDRESSES: Comments should refer to the information collection by title and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION:

Copies: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Officer.

Small Business Administration collects this information from lenders who participate in the secondary market program. The information is used to facilitate and administer secondary market transactions in accordance with 15 U.S.C. 634(f)3 and to monitor the program for compliance with 15 U.S.C. 639(h).

Solicitation of Public Comments:

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections:

PRA 3245–0185

Title: Secondary Participation Guaranty Agreement.

Description of Respondents: Small Business Lending Companies.

Form Number: SBA Forms 1502, 1086.

Total Estimated Annual Responses: 4,000.

Total Estimated Annual Hour Burden: 60,000.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–21979 Filed 10–2–20; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before November 4, 2020.

ADDRESSES: Comments should refer to the information collection by title and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: *Copies:* You may obtain a copy of the information collection and supporting documents from the Agency Clearance Officer.

Summary of Information Collections: SBA's Intermediary Lending Pilot Program (ILPP) makes direct loans to lending intermediaries for the purpose of making loans to startup, newly established, and growing small business concerns. These intermediaries provide information to SBA, which is used to monitor disbursement of ILPP loan proceeds, assess financial condition of the intermediaries, and monitor program effectiveness while minimizing risk to the federal taxpayer.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

PRA 3245–0376

(1) *Title:* Intermediary Lending Pilot Program Reporting Requirements.

Description of Respondents: Lending Intermediaries.

Form Number's: 2418, 2419.

Estimated Annual Responses: 528.

Estimated Annual Hour Burden: 2,904.

Curtis Rich,

Management Analyst.

[FR Doc. 2020–21980 Filed 10–2–20; 8:45 am]

BILLING CODE 8026–03–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2020–0027]

Requiring Electronic Submission of Evidence by Certain Claimant Representatives

AGENCY: Social Security Administration.

ACTION: Notice; implementation of requirement.

SUMMARY: In accordance with our rules, we are announcing a new requirement for representatives who request direct fee payment. A representative must submit all evidence electronically in claims for Social Security disability insurance benefits under title II of the Social Security Act (Act), and claims for Supplemental Security Income (SSI) payments based on disability under title XVI of the Act, if the representative requests direct fee payment on that claim; the claim or case has an electronic folder; and the claim is pending at the Office of Hearings Operations (OHO) or the Appeals Council. We expect electronic submission of this evidence will benefit claimants, representatives, and the Social Security Administration by improving our administrative efficiency and workload management, both during our COVID–19 health protocols and beyond.

DATES: We will apply this notice beginning on November 4, 2020.

FOR FURTHER INFORMATION CONTACT: Matthew Wright, Office of Hearings Operations, Social Security Administration, 5107 Leesburg Pike, Suite 1608, Falls Church, VA 22041,

(703) 605–8500 for information about this notice. For general information or inquiries about the electronic folder, please write to the Office of Electronic Services and Systems Integration, 5107 Leesburg Pike, Suite 1509, Falls Church, VA 22041. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

On September 12, 2011, we published final rules that require representatives to conduct business with us electronically at the times and in the manner we prescribe on matters for which the representative requests direct fee payment. (76 FR 56107). See 20 CFR 404.1713, 416.1513. At the time, we did not require representatives to use any specific electronic service. Rather, in the preamble to the final rule, we stated that, ''[o]nce we determine that we should make a particular electronic service publicly available because it works well, we will publish a notice in the **Federal Register**. The notice will contain the new requirement(s) and a list of all established electronic service requirements.'' (76 FR at 56107). Since we published that final rule, we established two electronic services requirements for representatives who seek direct payment of their fees.

First, on January 31, 2012 and March 8, 2012, we published notices requiring representatives requesting direct fee payment to file requests for reconsideration or requests for a hearing by an administrative law judge for disability claims electronically through the internet Appeals (iAppeals) portal. (77 FR 4653 and 77 FR 13968).

Second, on April 18, 2016, we published a notice announcing the requirement that, for claims with certified electronic folders pending at the hearing or Appeals Council levels, a representative must access and obtain a claimant's folder through Appointed Representative Services (ARS) in all matters for which the representative requests direct fee payment. (81 FR 22697). We implemented this requirement to:

(1) Improve administrative efficiency by eliminating the time-consuming task of providing compact disc copies of the electronic folder to representatives;

(2) Ensure that representatives provide the best possible service to claimants by using the most up-to-date information in the claims folder; and

(3) Manage the unprecedented workload pending at the hearings level and the Appeals Council.

New Requirement

Due to our COVID–19 pandemic protocols, we need to reduce our manual workloads, which require physical interaction with evidence. We are requiring appointed representatives who request direct fee payments to submit all evidence electronically through Electronic Records Express (ERE), ARS, or iAppeals in claims for Social Security disability insurance benefits under title II of the Act and claims for SSI payments based on disability under title XVI of the Act if: (1) The representative requests direct fee payment on that claim, (2) the claim or case has an electronic folder, and (3) the claim is pending at OHO or the Appeals Council.

We are implementing this requirement to ensure that representatives provide the best possible service to claimants through the use of our electronic services, and to allow us to effectively manage our workloads, particularly during the COVID–19 national public health emergency. We received approximately 14 million pieces of paper medical evidence and 36 million pieces of electronic medical evidence in fiscal year 2019. Submitting evidence electronically eliminates the need for our staff to process that evidence and manually associate it with the correct claims folder, promotes administrative efficiency, reduces the amount of paper evidence that requires physical handling and processing by our employees and contractors, and minimizes errors that may occur through manual processing. In addition, while we planned to issue this new requirement prior to the current COVID–19 national public health emergency, pursuing it now is even more critical because contactless transmission of evidence allows for maximum telework flexibilities and limits the need to handle documents manually.

Increasing the use of the electronic submission of evidence minimizes manual workloads in the administrative review process and allows us to direct staff resources toward resolution of cases pending, rather than toward processing paper evidence, which requires in-office contact with the evidence and proximity to other individuals.

Because this policy offers important benefits beyond reducing the risk of COVID–19, we plan to retain this requirement even after the COVID–19 pandemic ends. Specifically, the ability to process evidence and develop cases electronically allows us to balance our workloads across the country by assigning the work to a broader network of available staff and adjudicators. This practice has proven successful with reducing the hearings backlog since 2016, and will help us carry out our mission now, while our offices currently maximize telework, and in the future. For more information about our ongoing plan to manage our hearings workload, please visit our website (*https://www.ssa.gov/appeals/*), where we provide information about the ''Compassionate And Responsive Service'' (CARES) plan for 2016, 2017, and 2018–2019.

The new requirement is subject to the conditions discussed below.

Requiring Electronic Uploads for Representatives Seeking Direct Fee Payment

In accordance with 20 CFR 404.1713, 416.1513, as of November 4, 2020, representatives are required to use ERE, ARS, or iAppeals, as available, to submit evidence electronically in claims for disability insurance benefits under title II of the Act and claims for SSI payments based on disability under title XVI of the Act, for which: (1) The representative requests direct fee payment, (2) the claim or case has an electronic folder, and (3) the claim is pending at OHO or the Appeals Council.

Although we do not require it, we also strongly encourage representatives who are not requesting direct payment to submit evidence electronically through ERE, ARS, or iAppeals.

The requirement that a representative submit evidence electronically, as described above, constitutes an affirmative duty under 20 CFR 404.1740(b)(4), 416.1530(b)(4). We may investigate to determine if representatives have violated this duty or are attempting to circumvent our rules, including by having claimants whom they represent submit their own evidence via non-electronic means when this requirement is applicable to the representative. We may sanction a representative who does not follow our rules. 20 CFR 404.1740–1795 and 416.1540–1595. However, we will not reject or delay a claimant's hearing or process a claim differently if a representative fails to comply with this electronic upload requirement.

We acknowledge there may be a few situations where case characteristics, our systems, or other limitations preclude a representative's ability to submit evidence electronically. In these situations, we will consider the representative's individual

circumstances when deciding whether to pursue sanctions for failing to comply with this requirement. Claimants' representatives who are not eligible for direct payment, and representatives who do not request direct payment of fees in a case may continue to submit evidence through non-electronic means such as mailing, faxing, hand delivering, or sending documents to a contract scanner. However, we strongly encourage all representatives to submit evidence using the variety of platforms we outlined in the background of this notice and below.

Additional Information

Additional information is available on our Representing Social Security Claimants website at *http://www.ssa.gov/representation/.* Instructions for requesting access to the electronic folder are available at *https://www.ssa.gov/ar/.* Instructions for requesting an ERE account or submitting evidence through ERE without an account are available at *https://www.ssa.gov/ere/.*

Our Electronic Systems

We presently operate three systems through which users are able to upload evidence electronically: (ERE), (ARS), and iAppeals. A description of each system follows in the chart below.

Application	Purpose	Users	Available at OHO and appeals council levels?
Electronic Records Express (ERE)	• ERE is a free web-based tool that allows users to securely upload evidence directly to a claimant's electronic record, either online or by fax, using a barcode specific to that record. • Using this tool has a number of advantages including (1) immediate fax or upload of evidence; (2) secure transfer of sensitive and personally identifiable information..	• Representatives ..... • Other 3rd Parties (*e.g.* medical professionals, contractors).	Yes.
Appointed Representative Services (ARS).	• ARS permits an appointed representative to examine an electronic folder online, download material from the electronic folder, and upload new evidence to the electronic folder.	• Representatives	Yes.
iAppeals	• The iAppeals application accepts both Medical (Disability) & Non-Medical (Non-Disability) appeals on Title II and Title XVI denied claims or dismissals. • This process allows an individual to file the necessary application to appeal the decision and submit evidence on-line. • Evidence can be submitted with the appeal, but subsequent evidence must be uploaded via ERE or ARS.	• Representatives ..... • Individuals (Claimants). • Other 3rd Parties.	Yes.

The Commissioner of the Social Security Administration, Andrew Saul, having reviewed and approved this document, is delegating the authority to electronically sign this document to Faye I. Lipsky, who is the primary Federal Register Liaison for SSA, for purposes of publication in the **Federal Register**.

Faye I. Lipsky,

Federal Register Liaison, Office of Legislation and Congressional Affairs, Social Security Administration.

[FR Doc. 2020–21574 Filed 10–2–20; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 11222]

Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that a number of foreign persons have engaged in activities that warrant the imposition of measures pursuant to Section 3 of the Iran, North Korea, and Syria Nonproliferation Act. The Act provides for penalties on foreign entities and individuals for the transfer to or acquisition from Iran since January 1, 1999; the transfer to or acquisition from Syria since January 1, 2005; or the transfer to or acquisition from North Korea since January 1, 2006, of goods, services, or technology controlled under multilateral control lists (Missile Technology Control Regime, Australia Group, Chemical Weapons Convention, Nuclear Suppliers Group, Wassenaar Arrangement) or otherwise having the potential to make a material contribution to the development of weapons of mass destruction (WMD) or cruise or ballistic missile systems. The latter category includes (a) items of the same kind as those on multilateral lists but falling below the control list parameters when it is determined that such items have the potential of making a material contribution to WMD or cruise or ballistic missile systems, (b) items on U.S. national control lists for WMD/missile reasons that are not on multilateral lists, and (c) other items with the potential of making such a material contribution when added through case-by-case decisions.

DATES: September 23, 2020.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone: (202) 647–4930. For U.S. government procurement ban issues: Eric Moore, Office of the Procurement Executive, Department of State, Telephone: (703) 875–4079.

SUPPLEMENTARY INFORMATION: On September 23, 2020, the U.S. Government applied the measures authorized in Section 3 of the Iran, North Korea, and Syria Nonproliferation Act (Pub. L. 109–353) against the following foreign persons identified in the report submitted pursuant to Section 2(a) of the Act:

Gaobeidian Kaituo Precise Instrument Co. Ltd (China) and any successor, sub-unit, or subsidiary thereof;

Luo Dingwen (Chinese individual);

Raybeam Optronics Co. Ltd. (China) and any successor, sub-unit, or subsidiary thereof;

Tungsten Online (Xiamen) Manu and Sales Corp. (China) and any successor, sub-unit, or subsidiary thereof;

Islamic Revolutionary Guard Corps (IRGC) (Iran) and any successor, sub-unit, or subsidiary thereof;

Asa'ib Ahl al-Haq (AAH) (Iraq) and any successor, sub-unit, or subsidiary thereof;

Rosoboronexport (Russia) and any successor, sub-unit, or subsidiary thereof;

Al Jaysh al Sha'bi (Syria) and any successor, sub-unit, or subsidiary thereof;

Fifth Border Guard Regiment (Syria) and any successor, sub-unit, or subsidiary thereof;

Lebanese Hizballah (Syria) and any successor, sub-unit, or subsidiary thereof;

Scientific Studies and Research Center (SSRC) (Syria) and any successor, sub-unit, or subsidiary thereof; and

Syrian Army (Syria) and any successor, sub-unit, or subsidiary thereof.

Accordingly, pursuant to Section 3 of the Act, the following measures are imposed on these persons:

1. No department or agency of the U.S. government may procure or enter into any contract for the procurement of any goods, technology, or services from these foreign persons, except to the extent that the Secretary of State otherwise may determine;

2. No department or agency of the U.S. government may provide any assistance to these foreign persons, and these persons shall not be eligible to participate in any assistance program of the United States government, except to the extent that the Secretary of State otherwise may determine;

3. No U.S. government sales to these foreign persons of any item on the United States Munitions List are permitted, and all sales to these persons of any defense articles, defense services, or design and construction services under the Arms Export Control Act are terminated; and

4. No new individual licenses shall be granted for the transfer to these foreign persons of items the export of which is controlled under the Export Control Reform Act of 2018 or the Export Administration Regulations, and any existing such licenses are suspended.

These measures shall be implemented by the responsible departments and agencies of the U.S. government and will remain in place for two years from the effective date, except to the extent that the Secretary of State may subsequently determine otherwise.

Gonzalo O. Suarez,

Acting Deputy Assistant Secretary, International Security and Nonproliferation.

[FR Doc. 2020–21927 Filed 10–2–20; 8:45 am]

BILLING CODE 4710–27–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Technical Corrections to the Harmonized Tariff Schedule of the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The U.S. Trade Representative is making technical corrections to the Harmonized Tariff Schedule of the United States (HTSUS), as set forth in the Annex to this notice.

DATES: The changes made by this notice are applicable as of July 1, 2020.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, Deputy Assistant U.S. Trade Representative, Office of Textiles, at *janet.e.heinzen@ustr.eop.gov* or (202) 395–6092; or Leigh Bacon, Senior Associate General Counsel, at *lbacon@ustr.eop.gov* or (202) 395–5859.

SUPPLEMENTARY INFORMATION: Proclamation 10053 of June 29, 2020 (85 FR 39821) implemented the U.S.-Mexico-Canada Agreement (USMCA or Agreement). Annexes I and II to Proclamation 10053 made modifications to the HTSUS in order to implement the tariff treatment provided under the Agreement, including the tariff treatment provided for certain textile and apparel goods (see Annex II to Proclamation 10053 at Section E, paragraph (5)). The Annex to this notice modifies the provisions of the HTSUS that were added by Proclamation 10053 to correct inadvertent errors to provide the intended tariff treatment.

Proclamation 6969 of January 27, 1997 (62 FR 4415) authorizes the U.S. Trade Representative to exercise the authority provided to the President under section 604 of the Trade Act of 1974 (19 U.S.C. 2483) to embody rectifications, technical or conforming changes, or similar modifications in the HTSUS. Pursuant to this delegated authority, the U.S. Trade Representative is modifying the HTSUS to make the technical changes set out in the Annex to this notice.

Annex

Effective with respect to goods of USMCA countries entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01am Eastern Daylight Time on July 1, 2020, subchapter XXIII of chapter 98 of the HTS is modified:

(1) by inserting ''9823.52.04'' in the ''Heading/Subheading'' column for the article description, ''Cotton or man-made fiber fabrics and made up goods as provided in note 11(a)(ii)'', and by redesignating subheading 9823.52.04, with the article description ''Goods provided for in note 11(a)(ii)(A)'', as 9823.52.05;

(2) by redesignating subheading 9823.52.05 as 9823.52.06;

(3) by redesignating subheading 9823.52.06 as 9823.52.07;

(4) by redesignating subheading 9823.52.07 as 9823.52.08; and

(5) by redesignating subheading 9823.52.03, with the article description ''Cotton or man-made fiber fabrics and made-up goods as provided for in note 11(b)(ii)'', as 9823.53.03.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

[FR Doc. 2020–21921 Filed 10–2–20; 8:45 am]

BILLING CODE 3290–F0–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Effective July 6, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately $34 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated an exclusion process in July 2018 and has granted 10 sets of exclusions under the $34 billion action. He published the eighth set of exclusions in October 2019 and additional exclusions in December 2019 and February 2020. These exclusions will expire on October 2, 2020. On August 3, 2020, the U.S. Trade Representative established a process for the public to comment on whether to extend particular exclusions for up to 12 months. This notice announces the U.S. Trade Representative's determination to extend certain exclusions through December 31, 2020.

DATES: The product exclusion extensions announced in this notice apply as of October 2, 2020, and extend through December 31, 2020. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen, or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact *traderemedy@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including: 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 32181 (July 11, 2018), 83 FR 67463 (December 28, 2018), 84 FR 11152 (March 25, 2019), 84 FR 16310 (April 18, 2019), 84 FR 21389 (May 14, 2019), 84 FR 25895 (June 4, 2019), 84 FR 32821 (July 9, 2019), 84 FR 43304 (August 20, 2019), 84 FR 46212 (September 3, 2019), 84 FR 49564 (September 20, 2019), 84 FR 52567 (October 2, 2019), 84 FR 58427 (October 31, 2019), 84 FR 70616 (December 23, 2019), 84 FR 72102 (December 30, 2019), 85 FR 6687 (February 5, 2020), 85 FR 12373 (March 2, 2020), 85 FR 16181 (March 20, 2020), 85 FR 24081 (April 30, 2020), 85 FR 33775 (June 2, 2020), 85 FR 34274 (June 3, 2020), 85 FR 41267 (July 9, 2020), 85 FR 46777 (August 3, 2020), and 85 FR 59587 (September 22, 2020).

Effective July 6, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 818 eight-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of $34 billion. *See* 83 FR 28710 (the $34 billion action). The U.S. Trade Representative's determination included a decision to establish a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the $34 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for product exclusions and opened a public docket. *See* 83 FR 32181 (July 11 notice).

In October and December 2019 and February 2020, the U.S. Trade Representative granted exclusion requests. *See* 84 FR 52567 (October 2 notice), 84 FR 69016 (December 17 notice), and 85 FR 7816 (February 11 notice). The exclusions granted under these notices expire on October 2, 2020. On August 3, 2020, the U.S. Trade Representative invited the public to comment on whether to extend for up to 12 months particular exclusions granted under these notices. *See* 85 FR 46777 (August 3 notice).

Under the August 3 notice, commenters were asked to address whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries; any changes in the global supply chain since July 2018 with respect to the particular product, or any other relevant industry developments; and efforts, if any, importers or U.S. purchasers have undertaken since July 2018 to source the product from the United States or third countries.

In addition, commenters who were importers and/or purchasers of the products covered by an exclusion were asked to provide information regarding their efforts since July 2018 to source the product from the United States or third countries; the value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019, and whether these purchases are from a related company; whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties; the value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019; the commenter's gross revenue for 2018 and 2019; whether the Chinese-origin product of concern is sold as a final product or as an input; whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests; and any additional information in support or in opposition of the extending the exclusion.

The August 3 notice required the submission of comments no later than August 30, 2020.

B. Determination to Extend Certain Exclusions

Based on an evaluation of the factors set out in the July 11 and August 3 notices, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to extend certain product exclusions covered by the October 2, December 17, and February 11 notices, as set out in the Annexes to this notice.

The August 3 notice said the U.S. Trade Representative would consider extensions of up to 12 months. In light of the cumulative effect of current and possible future exclusions or extensions of exclusions on the effectiveness of the action taken in this investigation, the U.S. Trade Representative has determined to extend the exclusions in the Annexes to this notice for less than 12 months—through December 31, 2020. To date, the U.S. Trade Representative has granted more than 6,800 exclusion requests, has extended some of these exclusions, and may consider further extensions of exclusions. The U.S. Trade Representative will take account of the cumulative effect of exclusions in considering the possible further extension of the exclusions covered by this notice, as well as possible extensions of exclusions of other products covered by the action in this investigation. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments concerning extension of the pertinent exclusion.

In accordance with the July 11 notice, the exclusions are available for any product that meets the description in the Annexes, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the ten-digit HTSUS headings and product descriptions in the Annexes to this notice, and not by the product descriptions set out in any particular request for exclusion.

Joseph Barloon,

General Counsel, Office of the United States Trade Representative.

BILLING CODE 3290–F0–P

ANNEX A

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 2, 2020 and before 11:59 p.m. eastern daylight time on December 31, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.60 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", and "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.88.60	Effective with respect to entries on or after October 2, 2020, and through December 31, 2020, articles the product of China, as provided for in U.S. note 20(mmm) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading"		

2. by inserting the following new U.S. note 20(mmm) to subchapter III of chapter 99 in numerical sequence:

"(mmm) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.01 and provided for in U.S. notes 20(a) and 20(b) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.01. See 83 Fed. Reg. 40823 (August 16, 2018) and 83 Fed. Reg. 47326 (September 18, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that, as provided in heading 9903.88.60, the additional duties provided for in heading 9903.88.01 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

(1) 9030.90.4600
(2) Chemically etched dies of steel, steel-rule cutting dies, movable magnetic dies, embossing folders and plastic embossing diffusers, of a kind used in manually-powered roller machines for etching or stenciling a single sheet of cardstock, paper, leather, flexible magnet, plastics, metallic foil, vellum, felt or fabric, such sheets measuring not more than 50.8 cm in width or length (described in statistical reporting number 8420.99.9000)
(3) Operator riding self-propelled aerial work platforms of a kind described in statistical note 1 to chapter 84 effective July 1, 2019, to December 31, 2019, or in statistical

note 2 to chapter 84 effective January 1, 2020, powered by an electric motor, with a load capacity not exceeding 1,400 kg (described in statistical reporting number 8427.10.8010 prior to July 1, 2019; described in statistical reporting number 8427.10.8020 effective July 1, 2019)

(4) Cement retainer assemblies with diameter of 4.5 cm or more but not exceeding 51 cm and length of 30.5 cm or more but not exceeding 72 cm, composed of cylindrical cast iron components, nitrile rubber seal and brass back-up rings, suitable for use solely or principally with the machinery of subheadings 8430.41 or 8430.49 (described in statistical reporting number 8431.43.8060)

(5) Extrusion machines for processing rubber, twin-screw type, designed to produce inner liners for tires (described in statistical reporting number 8477.20.0015)

(6) Safety valves, of brass or bronze, containing a fusible element to automatically close the valve at a set temperature, each valued not over $5 (described in statistical reporting number 8481.40.0000)

(7) DC electric motors, of an output of less than 18.65 W, other than brushless, measuring less than 38 mm in diameter (described in statistical reporting number 8501.10.4060)

(8) DC motors, electronically commutated, three-phase, eight-pole of a kind used in HVAC systems, of an output of 750 W, valued not over $100 each (described in statistical reporting number 8501.31.6000)

(9) Combined positron emission tomography/computed tomography (PET/CT) scanners which utilize multiple PET gantries (frames) on a common base (described in statistical reporting number 9022.12.0000)"

3. by amending the last sentence of the first paragraph of U.S. note 20(a) to subchapter III of chapter 99 by:

a. by deleting "or (11)" and by inserting "(11)" in lieu thereof; and

b. by inserting "; or (12) heading 9903.88.60 and U.S. note 20(mmm) to subchapter III of chapter 99" after the phrase "U.S. note 20(kkk) to subchapter III of chapter 99", where it appears at the end of the sentence.

4. by amending U.S. note 20(b) to subchapter III of chapter 99 by:

a. by deleting "or (11)" and by inserting "(11)" in lieu thereof; and

b. by inserting "; or (12) heading 9903.88.60 and U.S. note 20(mmm) to subchapter III of chapter 99" after the phrase "U.S. note 20(kkk) to subchapter III of chapter 99", where it appears at the end of the sentence.

5. by amending the Article Description of heading 9903.88.01:

a. by deleting "9903.88.52 or";

b. by inserting in lieu thereof "9903.88.52,"; and

c. by inserting "or 9903.88.60," after "9903.88.58,".

ANNEX B

The following table is provided for informational purposes only. The table contains a list of the original product exclusions that are being extended by this notice. In addition, the table contains the corresponding subdivisions in new note 20(mmm) to subchapter III of Chapter 99 and new heading 9903.88.60 for the product exclusions that are being extended by this notice. The original product exclusions expire on October 2, 2020. The exclusions that are being extended are effective from October 2, 2020 through December 31, 2020.

Original Product Exclusions		Corresponding Extension of Product Exclusions	
Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading
20(x)(93)	9903.88.19	20(mmm)(1)	9903.88.60
20(x)(8)	9903.88.19	20(mmm)(2)	9903.88.60
20(x)(20)	9903.88.19	20(mmm)(3)	9903.88.60
20(x)(22)	9903.88.19	20(mmm)(4)	9903.88.60
20(x)(40)	9903.88.19	20(mmm)(5)	9903.88.60
20(x)(43)	9903.88.19	20(mmm)(6)	9903.88.60
20(x)(46)	9903.88.19	20(mmm)(7)	9903.88.60
20(x)(50)	9903.88.19	20(mmm)(8)	9903.88.60
20(x)(89)	9903.88.19	20(mmm)(9)	9903.88.60

[FR Doc. 2020–21958 Filed 10–2–20; 8:45 am]

BILLING CODE 3290–F0–C

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Effective August 23, 2018, the U.S. Trade Representative imposed additional duties on goods of China with an annual trade value of approximately $16 billion as part of the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. The U.S. Trade Representative initiated an exclusion process in September 2018 and granted three sets of exclusions under the $16 billion action. He published the third set of exclusions in September 2019 and added additional exclusions in February and July 2020. These exclusions will expire on October 2, 2020. On June 25, 2020, the U.S. Trade Representative established a process for the public to comment on whether to extend particular exclusions for up to 12 months. This notice announces the U.S. Trade Representative's determination to extend certain exclusions through December 31, 2020.

DATES: The product exclusion extensions announced in this notice apply as of October 2, 2020, and extend through December 31, 2020. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler or Assistant General Counsel Benjamin Allen, or Director of Industrial Goods Justin Hoffmann at (202) 395–5725. For specific questions on customs classification or implementation of the product exclusions identified in the Annex to this notice, contact *traderemedy@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

For background on the proceedings in this investigation, please see prior notices including: 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47236 (September 18, 2018), 83 FR 47974 (September 21, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), 84 FR 29576 (June 24, 2019), 84 FR 37381 (July 31, 2019), 84 FR 49600 (September 20, 2019), 84 FR 52553 (October 2, 2019), 84 FR 69011 (December 17, 2019), 85 FR 10808 (February 25, 2020), 85 FR 24076

(April 30, 2020), 85 FR 28691 (May 13, 2020), 85 FR 38237 (June 25, 2020), 85 FR 38243 (June 25, 2020), 85 FR 43291 (July 16, 2020), 85 FR 45949 (July 30, 2020), and 85 FR 59595 (September 22, 2020).

Effective August 23, 2018, the U.S. Trade Representative imposed additional 25 percent duties on goods of China classified in 279 eight-digit subheadings of the Harmonized Tariff Schedule of the United States (HTSUS), with an approximate annual trade value of $16 billion. *See* 83 FR 40823 (the $16 billion action). The U.S. Trade Representative's determination included a decision to establish a process by which U.S. stakeholders could request exclusion of particular products classified within an eight-digit HTSUS subheading covered by the $16 billion action from the additional duties. The U.S. Trade Representative issued a notice setting out the process for the product exclusions and opened a public docket. *See* 83 FR 47236 (September 18 notice).

In September 2019, the U.S. Trade Representative granted a set of exclusion requests and added additional exclusions in February and July 2020. *See* 84 FR 49600 (September 20 notice); 85 FR 10808 (February 25 notice); 85 FR 43291 (July 16 notice). The exclusions granted under these notices expire on October 2, 2020. On June 25, 2020, the U.S. Trade Representative invited the public to comment on whether to extend for up to 12 months particular exclusions granted under these notices. *See* 85 FR 38243 (June 25 notice).

Under the June 25 notice, commenters were asked to address whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries; any changes in the global supply chain since August 2018 with respect to the particular product, or any other relevant industry developments; and efforts, if any, importers or U.S. purchasers have undertaken since August 2018 to source the product from the United States or third countries.

In addition, commenters who were importers and/or purchasers of the products covered by an exclusion were asked to provide information regarding their efforts since August 2018 to source the product from the United States or third countries; the value and quantity of the Chinese-origin product covered by the specific exclusion request purchased in 2018 and 2019, and whether these purchases are from a related company; whether Chinese suppliers have lowered their prices for products covered by the exclusion following the imposition of duties; the value and quantity of the product covered by the exclusion purchased from domestic and third country sources in 2018 and 2019; the commenter's gross revenue for 2018 and 2019; whether the Chinese-origin product of concern is sold as a final product or as an input; whether the imposition of duties on the products covered by the exclusion will result in severe economic harm to the commenter or other U.S. interests; and any additional information in support or in opposition of the extending the exclusion.

The June 25 notice required the submission of comments no later than July 30, 2020.

B. Determination To Extend Certain Exclusions

Based on an evaluation of the factors set out in the September 18 and June 25 notices, which are summarized above, pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to extend certain product exclusions covered by the September 20, February 25, and July 16 notices, as set out in the Annexes to this notice.

The June 25 notice said the U.S. Trade Representative would consider extensions of up to 12 months. In light of the cumulative effect of current and possible future exclusions or extensions of exclusions on the effectiveness of the action taken in this investigation, the U.S. Trade Representative has determined to extend the exclusions in the Annex to this notice for less than 12 months—through December 31, 2020. To date, the U.S. Trade Representative has granted more than 6,800 exclusion requests, has extended some of these exclusions, and may consider further extensions of exclusions. The U.S. Trade Representative will take account of the cumulative effect of exclusions in considering the possible further extension of the exclusions covered by this notice, as well as possible extensions of exclusions of other products covered by the action in this investigation. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments concerning extension of the pertinent exclusion.

In accordance with the September 18 notice, the exclusions are available for any product that meets the description in the Annexes, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the ten-digit HTSUS headings and product descriptions in the Annexes to this notice, and not by the product descriptions set out in any particular request for exclusion.

Joseph Barloon,

General Counsel,Office of the United States Trade Representative.

ANNEX A

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 2, 2020 and before 11:59 p.m. eastern daylight time on December 31, 2020, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.61 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled "Heading/Subheading", "Article Description", and "Rates of Duty 1-General", respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
"9903.88.61	Effective with respect to entries on or after October 2, 2020, and through December 31, 2020, articles the product of China, as provided for in U.S. note 20(nnn) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading"		

2. by inserting the following new U.S. note 20(nnn) to subchapter III of chapter 99 in numerical sequence:

"(nnn) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.02 and provided for in U.S. notes 20(c) and 20(d) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.02. See 83 Fed. Reg. 40823 (August 16, 2018) and 83 Fed. Reg. 47326 (September 18, 2018). Pursuant to the product exclusion process, the U.S. Trade Representative has determined that, as provided in heading 9903.88.61, the additional duties provided for in heading 9903.88.02 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

(1) Elastomeric petroleum resins (CAS No. 64742-16-1) (described in statistical reporting number 3911.10.0000)
(2) Machine tool stands having leveling, stabilizing, attachment or other special features (described in statistical reporting number 8466.30.8000)
(3) Electric motors, with an output of 18.65 W or more but not exceeding 37.5 W, with attached cables, designed for use in adjusting motor vehicle seats (described in statistical reporting number 8501.10.6080)

(4) DC electric motors, 12 V, with an output exceeding 74.6 W but not exceeding 735 W, with lead wires and electrical connector, measuring not over 75 mm outside diameter, with a housing not over 100 mm in length and a shaft not over 60 mm in length (described in statistical reporting number 8501.31.4000)

(5) DC electric motors, 12 V, with an output not exceeding 515 W, measuring not over 95 mm in outside diameter, not over 155 mm in length and with a shaft not over 30 mm in length (described in statistical reporting number 8501.31.4000)

(6) DC electric motors, 120 V, with an output not exceeding 90 W, measuring not over 90 mm long by 35 mm wide by 35 mm high (described in statistical reporting number 8501.31.4000)

(7) DC electric motors, 13.5 V, with an output not exceeding 110 W, measuring not over 75 mm outside diameter, housing not over 120 mm long, a shaft not over 55 mm long and with a mounting flange not over 150 mm (described in statistical reporting number 8501.31.4000)

(8) DC electric motors, 230 V, with an output not exceeding 140 W, measuring not more than 45 mm in diameter and not over 100 mm in length (described in statistical reporting number 8501.31.4000)

(9) DC electric motors, 230 V, with output not exceeding 85 W, measuring not more than 90 mm in length by 35 mm in width by 35 mm in height (described in statistical reporting number 8501.31.4000)

(10) DC electric motors, 24 V, with an output not exceeding 515 W, measuring not over 95 mm in outside diameter, not over 155 mm in length and with a shaft not over 30 mm in length (described in statistical reporting number 8501.31.4000)

(11) DC electric motors, with an output exceeding 74.6 W but not exceeding 735 W, containing lead wires and an electrical connector (described in statistical reporting number 8501.31.4000)

(12) DC motors with a power output exceeding 74.6 W but not exceeding 230 W, measuring less than 105 mm in diameter and 50 mm or more but not over 100 mm in length (described in statistical reporting number 8501.31.4000)

(13) DC motors, of an output exceeding 74.6 W but not exceeding 735 W, each valued not over $18 (described in statistical reporting number 8501.31.4000)

(14) Direct Current (DC) permanent magnet motors rated at 90 W or more but not over 110 W and 24 V with torque of 65 Newton meters (Nm) and 2,035 Nm, incorporating a wheel that can manually actuate a valve (described in statistical reporting number 8501.31.4000)

(15) Ground Fault Circuit Interrupters (GFCIs), Appliance Leakage Current Interrupters (ALCIs), Leakage Current Detection Interrupters (LCDIs), and Arc Fault Circuit Interrupters (AFCIs) (described in statistical reporting number 8536.30.8000)

(16) Electronic AC passive infrared (PIR) motion sensing switches (described in statistical reporting number 8536.50.7000)

(17) Bottom shelf coupler assemblies designed for use with coupling systems of vehicles of heading 8605 or 8606 (described in statistical reporting number 8607.30.1000)

(18) Buffering/cushioning front retainer plates, designed for use with buffering/cushioning systems of vehicles of heading 8605 or 8606 (described in statistical reporting number 8607.30.1000)

(19) Buffering/cushioning intermediate aligning and overtravel protection members, designed for use with buffering/cushioning systems of vehicles of heading 8605 or 8606 (described in statistical reporting number 8607.30.1000)
(20) Buffering/cushioning rear aligning and overtravel protection members designed for use with buffering/cushioning systems of vehicles of heading 8605 or 8606 (described in statistical reporting number 8607.30.1000)
(21) Buffering/cushioning rear structural units, designed for use with buffering/cushioning systems of vehicles of heading 8605 or 8606 (described in statistical reporting number 8607.30.1000)
(22) Buffering/cushioning retention and alignment shafts, designed for use with buffering/cushioning systems of vehicles of heading 8605 or 8606 (described in statistical reporting number 8607.30.1000)
(23) Buffering/cushioning retention caps, designed for use with buffering/cushioning systems of freight railcars of heading 8606 (described in statistical reporting number 8607.30.1000)
(24) Draft pack rear aligning and overtravel protection members, designed for use with hybrid railcar cushioning systems of freight railcars of heading 8606 (described in statistical reporting number 8607.30.1000)
(25) Follower block plates, designed for use with buffering/cushioning systems of freight railcars of heading 8606 (described in statistical reporting number 8607.30.1000)
(26) Type F knuckles, designed for use with coupling systems of vehicles of heading 8605 or 8606 (described in statistical reporting number 8607.30.1000)
(27) Digital clinical thermometers, valued not over $11 each (described in statistical reporting number 9025.19.8040 prior to July 1, 2020; described in statistical reporting number 9025.19.8010 or 9025.19.8020 effective July 1, 2020)
(28) Portable, wireless enabled, electrical gas monitors (described in statistical reporting number 9027.10.2000)"

3. by amending the last sentence of the first paragraph of U.S. note 20(c) to subchapter III of chapter 99 by:

a. by deleting "or (5)" and by inserting "(5)" in lieu thereof; and

b. by inserting "; or (6) heading 9903.88.61 and U.S. note 20(nnn) to subchapter III of chapter 99" after the phrase "U.S. note 20(lll) to subchapter III of chapter 99", where it appears at the end of the sentence.

4. by amending U.S. note 20(d) to subchapter III of chapter 99 by:

a. by deleting "or (5)" and by inserting "(5)" in lieu thereof; and

b. by inserting "; or (6) heading 9903.88.61 and U.S. note 20(nnn) to subchapter III of chapter 99" after the phrase "U.S. note 20(lll) to subchapter III of chapter 99", where it appears at the end of the sentence.

5. by amending the Article Description of heading 9903.88.02:

a. by deleting "9903.88.54 or";

b. by inserting in lieu thereof "9903.88.54,"; and

c. by inserting "or 9903.88.61," after "9903.88.59,".

ANNEX B

The following table is provided for informational purposes only. The table contains a list of the original product exclusions that are being extended by this notice. In addition, the table contains the corresponding subdivisions in new note 20(nnn) to subchapter III of Chapter 99 and new heading 9903.88.61 for the product exclusions that are being extended by this notice. The original product exclusions expire on October 2, 2020. The exclusions that are being extended are effective from October 2, 2020 through December 31, 2020.

Original Product Exclusions		Corresponding Extension of Product Exclusions	
Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading
20(y)(3)	9903.88.20	20(nnn)(1)	9903.88.61
20(y)(23)	9903.88.20	20(nnn)(2)	9903.88.61
20(y)(29)	9903.88.20	20(nnn)(3)	9903.88.61
20(y)(33)	9903.88.20	20(nnn)(4)	9903.88.61
20(y)(34)	9903.88.20	20(nnn)(5)	9903.88.61
20(y)(36)	9903.88.20	20(nnn)(6)	9903.88.61
20(y)(37)	9903.88.20	20(nnn)(7)	9903.88.61
20(y)(38)	9903.88.20	20(nnn)(8)	9903.88.61
20(y)(39)	9903.88.20	20(nnn)(9)	9903.88.61
20(y)(42)	9903.88.20	20(nnn)(10)	9903.88.61
20(y)(43)	9903.88.20	20(nnn)(11)	9903.88.61
20(y)(45)	9903.88.20	20(nnn)(12)	9903.88.61
20(y)(46)	9903.88.20	20(nnn)(13)	9903.88.61
20(y)(47)	9903.88.20	20(nnn)(14)	9903.88.61
20(y)(53)	9903.88.20	20(nnn)(15)	9903.88.61
20(y)(55)	9903.88.20	20(nnn)(16)	9903.88.61
20(y)(67)	9903.88.20	20(nnn)(17)	9903.88.61
20(y)(68)	9903.88.20	20(nnn)(18)	9903.88.61
20(y)(69)	9903.88.20	20(nnn)(19)	9903.88.61
20(y)(70)	9903.88.20	20(nnn)(20)	9903.88.61
20(y)(71)	9903.88.20	20(nnn)(21)	9903.88.61
20(y)(72)	9903.88.20	20(nnn)(22)	9903.88.61

20(y)(73)	9903.88.20	20(nnn)(23)	9903.88.61
20(y)(74)	9903.88.20	20(nnn)(24)	9903.88.61
20(y)(75)	9903.88.20	20(nnn)(25)	9903.88.61
20(y)(78)	9903.88.20	20(nnn)(26)	9903.88.61
20(y)(79)	9903.88.20	20(nnn)(27)	9903.88.61
20(y)(84)	9903.88.20	20(nnn)(28)	9903.88.61

[FR Doc. 2020–21954 Filed 10–2–20; 8:45 am]

BILLING CODE 3290–F0–C

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2020–0021]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new (periodic) information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on February 4, 2020. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by November 4, 2020.

ADDRESSES:

You may submit comments identified by DOT Docket ID Number 2020–0021 by any of the following methods:

For access to Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: John Berg, (202) 740–4602, Office of Freight Management and Operations, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Certification of Enforcement of Vehicle Size and Weight Laws.

OMB Control Number: 2125–00034.

Background: Title 23, U.S.C., section 141, requires each State, the District of Columbia and Puerto Rico to file an annual certification that they are enforcing their size and weight laws on Federal-aid highways and that their Interstate System weight limits are consistent with Federal requirements to be eligible to receive an apportionment of Federal highway trust funds. Failure of a State to file a certification, adequately enforce its size and weight laws, and enforce weight laws on the Interstate System that are consistent with Federal requirements, could result in a specified reduction of its Federal highway fund apportionment for the next fiscal year. In addition, section 123 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599, 92 Stat.2689, 2701) requires each jurisdiction to inventory annually (1) its penalties for violation of its size and weight laws, and (2) the term and cost of its oversize and overweight permits.

Section 141 also authorizes the Secretary to require States to file such information as is necessary to verify that their certifications are accurate. To determine whether States are adequately enforcing their size and weight limits, FHWA requires that each State submit to the FHWA an updated plan for enforcing their size and weight limits. The plan goes into effect at the beginning of each Federal fiscal year. At the end of the fiscal year, States must submit their certifications and sufficient information to verify that their enforcement goals established in the plan have been met.

Respondents: The State Departments of Transportation (or equivalent) in the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico.

Frequency: Annually in separate collections: One certification and one plan (2 collections).

Estimated Average Burden per Response: Each response will take approximately 40 hours.

Estimated Total Annual Burden Hours: 4,160 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information in the plan and in the certification is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology or reduced frequency of collection of the plan, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: January 30, September 30, 2020.

Michael Howell,

FHWA Information Collection Officer.

[FR Doc. 2020–21938 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–3637; FMCSA–1999–6480; FMCSA–2000–7165; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2008–0266; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2010–0201; FMCSA–2011–0379; FMCSA–2014–0002; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0297; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0206; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210; FMCSA–2017–0017; FMCSA–2018–0010; FMCSA–2018–0011; FMCSA–2018–0017; FMCSA–2018–0018]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 42 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions are applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before November 4, 2020.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–1998–3637, Docket No. FMCSA–1999–6480, Docket No. FMCSA–2000–7165, Docket No. FMCSA–2000–8203, Docket No. FMCSA–2002–12294, Docket No. FMCSA–2003–16564, Docket No. FMCSA–2005–22194, Docket No. FMCSA–2006–23773, Docket No. FMCSA–2008–0266, Docket No. FMCSA–2009–0206, Docket No. FMCSA–2009–0291, Docket No. FMCSA–2010–0201, Docket No. FMCSA–2011–0379, Docket No. FMCSA–2014–0002, Docket No. FMCSA–2014–0004, Docket No. FMCSA–2014–0006, Docket No. FMCSA–2014–0007, Docket No. FMCSA–2014–0010, Docket No. FMCSA–2014–0297, Docket No. FMCSA–2016–0029, Docket No. FMCSA–2016–0031, Docket No. FMCSA–2016–0033, Docket No. FMCSA–2016–0206, Docket No. FMCSA–2016–0207, Docket No. FMCSA–2016–0208, Docket No. FMCSA–2016–0209, Docket No. FMCSA–2016–0210, Docket No. FMCSA–2017–0017, Docket No. FMCSA–2018–0010, Docket No. FMCSA–2018–0011, Docket No. FMCSA–2018–0017, or Docket No. FMCSA–2018–0018 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–1998–3637; FMCSA–1999–6480; FMCSA–2000–7165; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2008–0266; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2010–0201; FMCSA–2011–0379; FMCSA–2014–0002; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0297; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0206; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210; FMCSA–2017–0017; FMCSA–2018–0010; FMCSA–2018–0011; FMCSA–2018–0017; FMCSA–2018–0018), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–1998–3637; FMCSA–1999–6480; FMCSA–2000–7165; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2008–0266; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2010–0201; FMCSA–2011–0379; FMCSA–2014–0002; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0297; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0206; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210; FMCSA–2017–0017; FMCSA–2018–0010; FMCSA–2018–0011; FMCSA–2018–0017; FMCSA–2018–0018, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–1998–3637; FMCSA–1999–6480; FMCSA–2000–7165; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2003–16564;

FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2008–0266; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2010–0201; FMCSA–2011–0379; FMCSA–2014–0002; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2014–0297; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0206; FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209; FMCSA–2016–0210; FMCSA–2017–0017; FMCSA–2018–0010; FMCSA–2018–0011; FMCSA–2018–0017; FMCSA–2018–0018, in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 42 individuals listed in this notice have requested renewal of their exemptions from the vision standard in § 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 42 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 63 FR 196; 63 FR 30285; 64 FR 68195; 65 FR 20251; 65 FR 33406; 65 FR 57234; 65 FR 66293; 67 FR 38311; 67 FR 46016; 67 FR 57266; 67 FR 57267; 67 FR 67234; 68 FR 74699; 69 FR 10503; 69 FR 26921; 69 FR 51346; 69 FR 52741; 69 FR 62741; 70 FR 57353; 70 FR 72689; 71 FR 6828; 71 FR 6829; 71 FR 19604; 71 FR 27033; 71 FR 50970; 71 FR 53489; 71 FR 62147; 73 FR 27018; 73 FR 36955; 73 FR 42403; 73 FR 48270; 73 FR 51336; 73 FR 51689; 73 FR 63047; 73 FR 74565; 74 FR 43217; 74 FR 57551; 74 FR 65842; 75 FR 9482; 75 FR 36779; 75 FR 38602; 75 FR 50799; 75 FR 52062; 75 FR 54958; 75 FR 64396; 75 FR 66423; 75 FR 70078; 76 FR 66123; 77 FR 10604; 77 FR 15184; 77 FR 27850; 77 FR 38384; 77 FR 40946; 77 FR 48590; 77 FR 52389; 77 FR 64582; 77 FR 68199; 77 FR 68200; 78 FR 77782; 79 FR 10608; 79 FR 10619; 79 FR 18392; 79 FR 22003; 79 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 38659; 79 FR 38661; 79 FR 45868; 79 FR 46300; 79 FR 47175; 79 FR 51643; 79 FR 53514; 79 FR 56104; 79 FR 59357; 79 FR 63211; 79 FR 64001; 79 FR 68199; 80 FR 2471; 81 FR 20435; 81 FR 28138; 81 FR 42054; 81 FR 52514; 81 FR 59266; 81 FR 60115; 81 FR 66722; 81 FR 68098; 81 FR 70248; 81 FR 70251; 81 FR 70253; 81 FR 71173; 81 FR 72642; 81 FR 72664; 81 FR 74494; 81 FR 80161; 81 FR 81230; 81 FR 90046; 81 FR 90050; 81 FR 94013; 81 FR 96178; 81 FR 96191; 81 FR 96196; 82 FR 20962; 82 FR 37499; 83 FR 18633; 83 FR 24585; 83 FR 28325; 83 FR 28332; 83 FR 28342; 83 FR 34661; 83 FR 34677; 83 FR 40638; 83 FR 45750; 83 FR 53724; 83 FR 53727; 83 FR 56137; 83 FR 56902; 84 FR 2328). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at § 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of November and are discussed below. As of November 9, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 30 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (63 FR 196; 63 FR 30285; 64 FR 68195; 65 FR 20251; 65 FR 33406; 65 FR 57234; 65 FR 66293; 67 FR 38311; 67 FR 46016; 67 FR 57266; 67 FR 57267; 67 FR 67234; 68 FR 74699; 69 FR 10503; 69 FR 26921; 69 FR 51346; 69 FR 52741; 69 FR 62741; 70 FR 57353; 70 FR 72689; 71 FR 6828; 71 FR 6829; 71 FR 19604; 71 FR 27033; 71 FR 50970; 71 FR 53489; 71 FR 62147; 73 FR 27018; 73 FR 36955; 73 FR 42403; 73 FR 48270; 73 FR 51336; 73 FR 51689; 73 FR 63047; 73 FR 74565; 74 FR 43217; 74 FR 57551; 74 FR 65842; 75 FR 9482; 75 FR 36779; 75 FR 38602; 75 FR 50799; 75 FR 52062; 75 FR 54958; 75 FR 64396; 75 FR 66423; 75 FR 70078; 76 FR 66123; 77 FR 10604; 77 FR 15184; 77 FR 27850; 77 FR 38384; 77 FR 40946; 77 FR 48590; 77 FR 52389; 77 FR 64582; 77 FR 68199; 77 FR 68200; 78 FR 77782; 79 FR 10608; 79 FR 10619; 79 FR 18392; 79 FR 2200379 FR 29498; 79 FR 35212; 79 FR 35218; 79 FR 38659; 79 FR 38661; 79 FR 45868; 79 FR 46300; 79 FR 47175; 79 FR 51643; 79 FR 53514; 79 FR 56104; 79 FR 59357; 79 FR 64001; 79 FR 68199; 81 FR 20435; 81 FR 28138; 81 FR 42054; 81 FR 52514; 81 FR 59266; 81 FR 60115; 81 FR 66722; 81 FR 68098; 81 FR 71173; 81 FR 72642; 81 FR 74494; 81 FR 80161; 81 FR 81230; 81 FR 90050; 81 FR 96196; 82 FR 20962; 82 FR 37499; 83 FR 18633; 83 FR

24585; 83 FR 28325; 83 FR 28332; 83 FR 28342; 83 FR 34661; 83 FR 34677; 83 FR 40638; 83 FR 45750; 83 FR 53724; 83 FR 56137; 83 FR 56902):
Rodney R. Anderson (PA)
Gary A. Brown (PA)
James W. Carter, Jr. (KS)
Jose D. Chavez (MD)
David M. Clark (MD)
David A. Coburn, Sr. (VT)
Thomas L. Corey (IN)
Herman A. Davis (AL)
Joseph A. Dunlap (OH)
Tyron O. Friese (MN)
Randy M. Garcia (NM)
Andeberhan O. Gidey (WA)
Rodney P. Hains (ND)
Ronnie L. Henry (KS)
William G. Hix (AR)
Daniel Hollins (KY)
Darryl D. Kelley (TX)
Timothy L. Klose (PA)
Aaron C. Lougher (OR)
Phillip E. Mason (MO)
Odilio Monterroso De Leon (TX)
Dennis E. Palmer, Jr. (CT)
Larry A. Priewe (ND)
Christopher W. Robinson (NY)
Scott D. Russell (WI)
Benjamin R. Sauder (PA)
Jimmy E. Settle (MO)
Mark A. Smith (IA)
Leon W. Tanksley (GA)
Brian C. Wittenburg (NC)

The drivers were included in docket numbers FMCSA–1998–3637; FMCSA–1999–6480; FMCSA–2000–7165; FMCSA–2000–8203; FMCSA–2002–12294; FMCSA–2003–16564; FMCSA–2005–22194; FMCSA–2006–23773; FMCSA–2008–0266; FMCSA–2009–0206; FMCSA–2009–0291; FMCSA–2010–0201; FMCSA–2011–0379; FMCSA–2014–0002; FMCSA–2014–0004; FMCSA–2014–0006; FMCSA–2014–0007; FMCSA–2014–0010; FMCSA–2016–0029; FMCSA–2016–0031; FMCSA–2016–0033; FMCSA–2016–0206; FMCSA–2017–0017; FMCSA–2018–0010; FMCSA–2018–0011; FMCSA–2018–0017. Their exemptions are applicable as of November 9, 2020, and will expire on November 9, 2022.

As of November 11, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 70248; 81 FR 70251; 81 FR 70253; 81 FR 90046; 81 FR 96178; 81 FR 96191; 83 FR 53724):
Elijah A. Allen (AR)
Daniel L. Bawden (IL)
Timothy J. Dougherty (MN)
Josh Gallant (SC)
Dillon L. Hendren (SC)
George P. Mendiola (CA)
Alfred L. Robinson (AR)
Jerry L. Smith (VA)

The drivers were included in docket numbers FMCSA–2016–0207; FMCSA–2016–0208; FMCSA–2016–0209. Their exemptions are applicable as of November 11, 2020, and will expire on November 11, 2022.

As of November 22, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 63211; 80 FR 2471; 81 FR 72664; 81 FR 94013; 83 FR 53724):

Peter J. Faber (NE); James F. McLaughlin (MN); and Michael J. Monroe (IA)

The drivers were included in docket numbers FMCSA–2014–0297; FMCSA–2016–0210. Their exemptions are applicable as of November 22, 2020, and will expire on November 22, 2022.

As of November 24, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315, the following individual has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (83 FR 53727; 84 FR 2328):

Marcel Spinu (WA)

The driver was included in docket number FMCSA–2018–0018. The exemption is applicable as of November 24, 2020, and will expire on November 24, 2022.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified medical examiner (ME), as defined by § 390.5, who attests that the driver is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 42 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in § 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,
Associate Administrator for Policy.

[FR Doc. 2020–21898 Filed 10–2–20; 8:45 am]
BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0212; FMCSA–2014–0215; FMCSA–2018–0053; FMCSA–2018–0054]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must

be received on or before November 4, 2020.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0212, Docket No. FMCSA–2014–0215, Docket No. FMCSA–2018–0053, or Docket No. FMCSA–2018–0054 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2014–0212, FMCSA–2014–0215, FMCSA–2018–0053, or FMCSA–2018–0054), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* put the docket number, FMCSA–2014–0212, FMCSA–2014–0215, FMCSA–2018–0053, or FMCSA–2018–0054, in the keyword box, and click ''Search.'' When the new screen appears, click on the ''Comment Now!'' button and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to *http://www.regulations.gov.* Insert the docket number, FMCSA–2014–0212, FMCSA–2014–0215, FMCSA–2018–0053, or FMCSA–2018–0054 in the keyword box, and click ''Search.'' Next, click the ''Open Docket Folder'' button and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners (MEs) in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce.

The six individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in § 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the six applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The six drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous 2-year exemption

[1] These criteria may be found in APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy:* § 391.41(b)(8), paragraphs 3, 4, and 5, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of October and are discussed below.

As of October 15, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Ricky B. Alegre (NJ)
Thomas Avery, Jr. (NY)
Peter Bender (MN)
Alan Von Lintel (KS)

The drivers were included in docket number FMCSA–2014–0212, FMCSA–2014–0215, and FMCSA–2018–0053. Their exemptions are applicable as of October 15, 2020, and will expire on October 15, 2022.

As of October 17, 2020, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Jose Lara-Ramirez (NV) and Bryan Sheehan (FL)

The drivers were included in docket number FMCSA–2018–0054. Their exemptions are applicable as of October 17, 2020, and will expire on October 17, 2022.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the 2-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified ME, as defined by § 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based on its evaluation of the six exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in § 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2020–21899 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–20200027–N–26]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Request (ICR) abstracted below. Before submitting this ICR to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Interested persons are invited to submit comments on or before December 4, 2020.

ADDRESSES: Submit written comments on the ICR activities to Ms. Qiana Swayne, Office of Railroad Policy and Development, Federal Railroad Administration at email: *Qiana.Swayne@dot.gov* or telephone: (202) 493–6216. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

SUPPLEMENTARY INFORMATION:

The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Design and Evaluation of a Robust Manual Locomotive Operating Mode.

OMB Control Number: 2130–0623.

Abstract: The purpose of this study is to design and evaluate a prototype locomotive operating mode that allows an engineer to ''manually'' control a train by providing a desired speed target while the control system determines the throttle notch changes required. This research addresses DOT's safety strategic goal. Information collected from this research will be used by researchers and equipment designers to evaluate the merit of a prototype display and control configuration maximizing the use of both automation and human capabilities. The information will also assist the Federal government in recommending display design standards to the rail industry for future displays and the results may help design future displays and controls for locomotives. This ICR, which was previously approved by OMB, will be extended as the study was not completed by the anticipated completion date.

Type of Request: Extension without change of a current information collection.

Affected Public: Railroad Engineers, College Student Volunteers.

Respondent Universe: 20 Engineers/10 Volunteers.

Frequency of Submission: Once.

Reporting Burden:

	Number of respondents	Average time	Total annual burden hours	Total annual dollar cost equivalent *
Simulator Familiarity and Training—Engineers	20	3	60	$1,935.60
Simulator Familiarity and Training—College Students	10	3	30	360.00
Experimental Sessions in Simulator—Engineers	20	6	120	3,871.20
Experimental Sessions in Simulator—College Students	10	6	60	720.00
NASA-Task Load Index Questionnaire Completions—Engineers	20	0.1	1.3	43.23
NASA-Task Load Index Questionnaire Completions—College Students	10	0.1	0.7	8.04
Total	90	18.2	272	6,938.07

* Per the Bureau of Labor and Statistics, Occupational Employment and Wages, May 2019, (53–4011) Locomotive Engineers, the median hourly wage is $32.26 per hour. The minimum wage, as of September 2020, for Massachusetts is $12.00 per hour. Therefore, the cost would be $32.26 x 181.34 hours = $5,850.03 and $12.00 x 90.67 hours = 1,088.04 for a total of $6,938.07. This is an estimated cost. The actual cost will vary based upon current locomotive engineer wages.

Total Estimated Annual Responses: 90.

Total Estimated Annual Burden: 272.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that a respondent is not required to respond to, conduct, or sponsor a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett A. Jortland,

Deputy Chief Counsel.

[FR Doc. 2020–21887 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0201]

Pipeline Safety: Request for Special Permit; Columbia Gulf Transmission, LLC

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Columbia Gulf Transmission, LLC (CGT). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by November 4, 2020.

ADDRESSES: Comments should reference the docket number for this specific special permit request and may be submitted in the following ways:

- *E-Gov Website: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: There is a privacy statement published on *http://www.Regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations CFR 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the

CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to: Kay McIver, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or by email at *kay.mciver@dot.gov.*

Technical: Mr. Steve Nanney by telephone at 713–272–2855, or by email at *steve.nanney@dot.gov.*

SUPPLEMENTARY INFORMATION:

PHMSA received a special permit request from CGT, a subsidiary of TC Energy, seeking a waiver from the requirements of 49 CFR 192.505(c): Strength test requirements for steel pipeline to operate at a hoop stress of 30 percent or more of SMYS, 49 CFR 192.611: Change in class location: Confirmation or revision of maximum allowable operating pressure, and 49 CFR 192.619: Maximum allowable operating pressure: Steel or plastic pipelines. The special permit request is for special permit segments that have either a Class 1 to 3 location change, a pressure test duration below eight (8) hours, or a pressure test times maximum allowable operating pressure (MAOP) safety factor that is below 1.25.

This special permit is being requested in lieu of pipe replacement, pressure reduction, or a new pressure test for 61 special permit segments totaling 114,124 feet (approximately 21.614 miles) in total length of pipeline. The pipeline special permit segments consist of the following:

- *Lafayette Parish, Louisiana*—8,307 feet of 24-inch diameter East Lateral (EL) 200 Pipeline and 4,187 feet of 30-inch diameter EL 400 Pipeline;
- *Franklin Parish, Louisiana*—1,312 feet of 30-inch diameter Mainline (ML) 100 Pipeline and 8,485 feet of 30-inch ML 200 Pipeline;
- *Union County, Mississippi*—4,173 feet of 30-inch diameter ML 100 Pipeline, 3,976 feet of 30-inch ML 200 Pipeline, and 3,897 feet of 36-inch diameter ML 300 Pipeline;
- *Alcorn County, Mississippi*—5,062 feet of 30-inch diameter ML 100 Pipeline, 5,331 feet of 30-inch ML 200 Pipeline, and 1,940 feet of 36-inch diameter ML 300 Pipeline;
- *Macon County, Tennessee*—3,896 feet of 30-inch diameter ML 100 Pipeline, 3,885 feet of 30-inch ML 200 Pipeline, and 3,949 feet of 36-inch diameter ML 300 Pipeline;
- *Menifee County, Kentucky*—62 feet of 30-inch diameter ML 100 Pipeline and 199 feet of 30-inch ML 200 Pipeline;
- *Montgomery County, Kentucky*—1,008 feet of 30-inch diameter ML 100 Pipeline and 803 feet of 30-inch ML 200 Pipeline;
- *Carter County, Kentucky*—9,798 feet of 30-inch diameter ML 100 Pipeline and 20,461 feet of 30-inch ML 200 Pipeline;
- *Madison County, Kentucky*—22,385 feet of 30-inch diameter ML 200 Pipeline and 823 feet of 30-inch ML 300 Pipeline; and
- *Rowan County, Kentucky*—185 feet of 30-inch diameter ML 200 Pipeline.

The proposed special permit will allow operation of the original Class 1 pipe in Class 3 locations. The CGT pipelines were constructed in the following time periods and operate at the MAOPs listed below:

- 24-inch diameter EL 200 Pipeline was constructed in 1954 and has a MAOP of 973 pound per square inch gauge (psig);
- 30-inch diameter ML 400 Pipeline was constructed in 1971 and has a MAOP of 1,007 psig;
- 30-inch diameter ML 100 Pipeline was constructed between 1953 to 1954 and has a MAOP of 935 psig;
- 30-inch diameter ML 200 Pipeline was constructed between 1958 to 1965 and has a MAOP of 1,007 psig; and
- 36-inch diameter ML 300 Pipeline was constructed between 1968 to 1971 and has a MAOP of 1,007 psig.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the CGT pipelines are available for review and public comments in Docket No. PHMSA–2019–0201. We invite interested persons to review and submit comments on the special permit request and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2020–21926 Filed 10–2–20; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Information Collection Renewal; Submission for OMB Review; Mandatory Contractual Stay Requirements for Qualified Financial Contracts

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Notice and request for comments.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). The OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled ''Mandatory Contractual Stay Requirements for Qualified Financial Contracts.'' The OCC is also giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by November 4, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0339, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0399'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or

phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by the following method:

• Viewing Comments Electronically: Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0339'' or ''Mandatory Contractual Stay Requirements for Qualified Financial Contracts.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks OMB to extend its approval of the collection in this document.

Title of Information Collection: Mandatory Contractual Stay Requirements for Qualified Financial Contracts.

OMB Control No.: 1557–0339.

Frequency of Response: On occasion.

Affected Public: A national bank or Federal savings association (FSA) (including any subsidiary of either) that is a subsidiary of a global systemically important bank holding company that has been designated pursuant to 12 CFR 252.82 of the Federal Reserve Board's Regulation YY; a national bank or FSA (including any subsidiary of either) that is a subsidiary of a global systemically important foreign banking organization designated pursuant to 12 CFR 252.87 of the Federal Reserve Board's Regulation YY; a Federal branch or agency (including any U.S. subsidiary of a Federal branch or agency) of a global systemically important foreign banking organization designated pursuant to 12 CFR 252.87 of the Federal Reserve Board's Regulation YY; and any national bank or FSA that is not under a bank holding company and that has more than $700 billion in total assets as reported on its most recent Call Report.

Abstract: Under 12 CFR part 47, a covered bank is required to ensure that a covered qualified financial contract (QFC) (1) contains a contractual stay-and-transfer provision analogous to the statutory stay-and-transfer provision imposed under Title II of the Dodd-Frank Act and in the Federal Deposit Insurance Act and (2) limits the exercise of default rights based on the insolvency of an affiliate of the covered bank. A covered bank is defined in 12 CFR 47.3(b) as:

• A national bank or Federal savings association that has more than $700 billion in total assets as reported on the national bank's or Federal savings association's most recent Consolidated Reports of Condition and Income (Call Report);

• A national bank or Federal savings association that is a subsidiary of a global systemically important bank holding company that has been designated pursuant to § 252.82 of this title (Federal Reserve Board Regulation YY) (12 CFR 252.82);

• A national bank or Federal savings association that is a subsidiary of a global systemically important foreign banking organization that has been designated pursuant to § 252.87 of this title (Federal Reserve Board Regulation YY) (12 CFR 252.87); or

• A Federal branch or agency, as defined in subpart B of this chapter (governing Federal branches and agencies), of a global systemically important foreign banking organization that has been designated pursuant to § 252.87 of this title (Federal Reserve Board Regulation YY) (12 CFR 252.87).

The requirements are intended to enhance the resilience and the safety and soundness of Federally chartered and licensed financial institutions by addressing concerns relating to the exercise of default rights of certain financial contracts that could interfere with the orderly resolution of certain systemically important financial firms.

Covered banks may comply either by amending the contractual provisions of their QFCs consistent with the requirements of §§ 47.4 and 47.5 within a specified period of time or by adhering to the International Swaps and Derivatives Association 2015 Universal Resolution Stay Protocol or U.S. Protocol (ISDA Protocols). Alternatively, 12 CFR 47.6(b)(1) provides that a covered bank may request that the OCC approve as compliant with the requirements of §§ 47.4 and 47.5 provisions of one or more forms of covered QFCs, or amendments to one or more forms of covered QFCs, with enhanced creditor protection conditions.

In order for the OCC to evaluate a covered bank's request, 12 CFR 47.6(b)(3) requires that the request include (1) an analysis of the proposal that addresses a range of factors laid out in § 47.6(d) that are intended to facilitate the OCC's consideration of whether the proposal would be consistent with the restrictions and the main objectives of the rule; (2) a written legal opinion verifying that the covered bank's proposed provisions or amendments would be valid and enforceable under applicable laws of the relevant jurisdictions, including in the case of proposed amendments, the validity and enforceability of the proposal to amend the covered QFCs; and (3) any additional information relevant to the OCC's approval that the OCC requests. Based on the information collected, the OCC will then determine whether the covered bank's proposed alternative creditor protection conditions comply with the requirements of the rule and achieve its policy goals.

Estimated Burden:

Number of Respondents: 50.

Estimated Burden per Respondent: 140 hours.

Total Estimated Annual Burden: 7,000 hours.

Comments: On May 19, 2020, the OCC published a notice for 60 days of comment concerning the collection, 85

[1] On May 19, 2020 the OCC published a 60-day notice for this information collection, 85 FR 30021.

FR 30021. No comments were received. Comments continue to be solicited on:

(a) Whether the collection of information is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's burden estimates, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2020–21891 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Examination Survey

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the renewal of an information collection, as required by the Paperwork Reduction Act of 1995 (PRA). An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning renewal of its information collection titled, ''Examination Survey.''

DATES: Comments must be submitted by December 4, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0199, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0199'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0199'' or ''Examination Survey.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

The OCC is proposing to extend the approval for the following information collection:

Title: Examination Survey.

OMB Control No.: 1557–0199.

Affected Public: Businesses or other for-profit.

Type of Review: Regular.

Abstract: The OCC provides each national bank, Federal savings association, and Federal branch or agency (bank) with an Examination Survey at the end of its supervisory cycle (12- or 18-month period). This information collection permits banks to assess the OCC's bank supervisory activities, including the:

- Effectiveness of OCC communications with the bank;
- Reasonableness of OCC requests for data and information;
- Quality of OCC decision making during the exam process;
- Professionalism of OCC examining staff; and
- Responsiveness of OCC examiners.

The OCC developed the survey in 1994, at the suggestion of banking industry members who expressed a desire to provide examination-related feedback to the OCC. The Comptroller of the Currency and OCC supervisory staff considered that expressed desire and concurred. The information collection continues to be an important tool for the OCC to measure OCC examination performance, design more efficient and effective examinations, and target examiner training.

This information collection continues to formalize and promote a long-standing OCC program. The OCC always has given the institutions it supervises the opportunity to provide input regarding the examination process.

Burden Estimates:

Estimated Number of Respondents: 1,714.

Estimated Annual Burden: 286 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a

[1] Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2020–21890 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, ''OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches.''

DATES: Comments must be submitted on or before December 4, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0321, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0321'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection.[1]

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0321'' or ''OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

[1] Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: OCC Guidelines Establishing Heightened Standards for Certain Large Insured National Banks, Insured Federal Savings Associations, and Insured Federal Branches.

OMB Control No.: 1557–0321.

Description: The OCC's guidelines, codified in 12 CFR part 30, appendix D, establish minimum standards for the design and implementation of a risk governance framework for insured national banks, insured Federal savings associations, and insured Federal branches of a foreign bank (banks). The guidelines apply to a bank with average total consolidated assets: (i) Equal to or greater than $50 billion; (ii) less than $50 billion if that bank's parent company controls at least one insured national bank or insured Federal savings association that has average total consolidated assets of $50 billion or greater; or (iii) less than $50 billion, if the OCC determines such bank's operations are highly complex or otherwise present a heightened risk as to warrant the application of the guidelines (covered banks). The guidelines also establish minimum standards for a board of directors in overseeing the framework's design and implementation. These guidelines were finalized on September 11, 2014.[2] The OCC is now seeking to renew the

[2] 79 FR 54518.

information collection associated with these guidelines.

The standards contained in the guidelines are enforceable under section 39 of the Federal Deposit Insurance Act (FDIA),[3] which authorizes the OCC to prescribe operational and managerial standards for insured national banks, insured Federal savings associations, and insured Federal branches of a foreign bank.

The guidelines formalize the OCC's heightened expectations program. The guidelines also further the goal of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 to strengthen the financial system by focusing management and boards of directors on improving and strengthening risk management practices and governance, thereby minimizing the probability and impact of future financial crises.

The standards for the design and implementation of the risk governance framework, which contain collections of information, are as follows:

Standards for Risk Governance Framework

Covered banks should establish and adhere to a formal, written risk governance framework designed by independent risk management. The framework should include delegations of authority from the board of directors to management committees and executive officers and risk limits for material activities. The framework should be approved by the board of directors or the board's risk committee, and it should be reviewed and updated, at least annually, by independent risk management.

Front Line Units

Front line units should take responsibility and be held accountable by the chief executive officer (CEO) and the board of directors for appropriately assessing and effectively managing all of the risks associated with their activities. In fulfilling this responsibility, each front line unit should, either alone or in conjunction with another organizational unit that has the purpose of assisting a front line unit: (i) Assess, on an ongoing basis, the material risks associated with its activities and use such risk assessments as the basis for fulfilling its responsibilities and for determining if actions need to be taken to strengthen risk management or reduce risk given changes in the unit's risk profile or other conditions; and (ii) establish and adhere to a set of written policies that include front line unit risk limits. Such policies should ensure risks associated with the front line unit's activities are effectively identified, measured, monitored, and controlled, consistent with the covered bank's risk appetite statement, concentration risk limits, and all policies established within the risk governance framework. Front line units should also establish and adhere to procedures and processes, as necessary to maintain compliance with the policies described in (ii); and adhere to all applicable policies, procedures, and processes established by independent risk management. Front line units should also develop, attract, and retain talent and maintain staffing levels required to carry out the unit's role and responsibilities effectively; establish and adhere to talent management processes; and establish and adhere to compensation and performance management programs.

Independent Risk Management

Independent risk management should oversee the covered bank's risk-taking activities and assess risks and issues independent of the front line units. In fulfilling these responsibilities, independent risk management should: (i) Take responsibility and be held responsible by the CEO and the board of directors for designing a comprehensive written risk governance framework that meets the guidelines and is commensurate with the size, complexity, and risk profile of the covered bank; (ii) identify and assess, on an ongoing basis, the covered bank's material aggregate risks and use such risk assessments as the basis for fulfilling its responsibilities and for determining if actions need to be taken to strengthen risk management or reduce risk given changes in the covered bank's risk profile or other conditions; (iii) establish and adhere to enterprise policies that include concentration risk limits that state how aggregate risks within the covered bank are effectively identified, measured, monitored, and controlled, consistent with the covered bank's risk appetite statement and all policies and processes established within the risk governance framework; (iv) establish and adhere to procedures and processes, as necessary, to ensure compliance with policies in (iii); (v) identify and communicate to the CEO and the board of directors or the board's risk committee material risks and significant instances where the independent risk management's assessment of risk differs from that of a front line unit and significant instances where a front line unit is not adhering to the risk governance framework; (vi) identify and communicate to the board of directors or the board's risk committee material risks and significant instances where independent risk management's assessment of risk differs from that of the CEO and significant instances where the CEO is not adhering to, or holding front line units accountable for adhering to, the risk governance framework; and (vii) develop, attract, and retain talent and maintain the staffing levels required to carry out the unit's role and responsibilities effectively while establishing and adhering to talent management processes and compensation and performance management programs.

Internal Audit

Internal audit should ensure that the covered bank's risk governance framework complies with the guidelines and is appropriate for the size, complexity, and risk profile of the covered bank. It should maintain a complete and current inventory of all of the covered bank's material processes, product lines, services, and functions and assess the risks, including emerging risks, associated with each, which collectively provide a basis for the audit plan. It should establish and adhere to an audit plan that is periodically reviewed and updated, takes into account the covered bank's risk profile, emerging risks, and issues and establishes the frequency with which activities should be audited. The audit plan should require internal audit to evaluate the adequacy of and compliance with policies, procedures, and processes established by front line units and independent risk management under the risk governance framework. Significant changes to the audit plan should be communicated to the board's audit committee. Internal audit should report, in writing, conclusions, material issues, and recommendations from audit work carried out under the audit plan to the board's audit committee. Reports should identify the root cause of any material issues and include: (i) A determination of whether the root cause creates an issue that has an impact on one or more organizational units within the covered bank; and (ii) a determination of the effectiveness of front line units and independent risk management in identifying and resolving issues in a timely manner. Internal audit should establish and adhere to processes for independently assessing the design and ongoing effectiveness of the risk governance framework on at least an annual basis.

[3] 12 U.S.C. 1831p–1. Section 39 was enacted as part of the Federal Deposit Insurance Corporation Improvement Act of 1991, Public Law 102–242, section 132(a), 105 Stat. 2236, 2267–70 (Dec. 19, 1991).

The independent assessment should include a conclusion on the covered bank's compliance with the standards set forth in the guidelines. Internal audit should identify and communicate to the board's audit committee significant instances where front line units or independent risk management are not adhering to the risk governance framework. Internal audit should establish a quality assurance program that ensures internal audit's policies, procedures, and processes comply with applicable regulatory and industry guidance, are appropriate for the size, complexity, and risk profile of the covered bank, are updated to reflect changes to internal and external risk factors, emerging risks, and improvements in industry internal audit practices, and are consistently followed. Internal audit should develop, attract, and retain talent and maintain staffing levels required to effectively carry out its role and responsibilities. Internal audit should establish and adhere to talent management processes and compensation and performance management programs that comply with the guidelines.

Strategic Plan

The CEO, with input from front line units, independent risk management, and internal audit, should be responsible for the development of a written strategic plan that covers, at a minimum, a three-year period. The board of directors should evaluate and approve the plan and monitor management's efforts to implement the strategic plan at least annually. The plan should: (i) Include a comprehensive assessment of risks that currently impact the covered bank or that could have an impact on the covered bank during the period covered by the strategic plan; (ii) articulate an overall mission statement and strategic objectives for the covered bank with an explanation of how the covered bank will update the risk governance framework to account for changes to its risk profile projected under the strategic plan; and (iii) be reviewed, updated, and approved due to changes in the covered bank's risk profile or operating environment that were not contemplated when the plan was developed.

Risk Appetite Statement

A covered bank should have a comprehensive written statement that articulates its risk appetite that serves as the basis for the risk governance framework. The statement should contain both qualitative components that describe a safe and sound risk culture and how the covered bank will assess and accept risks and quantitative limits that include sound stress testing processes and address earnings, capital, and liquidity.

Risk Limit Breaches

A covered bank should establish and adhere to processes that require front line units and independent risk management to: (i) Identify breaches of the risk appetite statement, concentration risk limits, and front line unit risk limits; (ii) distinguish breaches based on the severity of their impact; (iii) establish protocols for when and how to inform the board of directors, front line unit management, independent risk management, internal audit, and the OCC regarding a breach; (iv) provide a written description of the breach resolution; and (v) establish accountability for reporting and resolving breaches that include consequences for risk limit breaches that take into account the magnitude, frequency, and recurrence of breaches .

Concentration Risk Management

The risk governance framework should include policies and supporting processes appropriate for the covered bank's size, complexity, and risk profile for effectively identifying, measuring, monitoring, and controlling the covered bank's concentrations of risk.

Risk Data Aggregation and Reporting

The risk governance framework should include a set of policies, supported by appropriate procedures and processes, designed to provide risk data aggregation and reporting capabilities appropriate for the covered bank's size, complexity, and risk profile and to support supervisory reporting requirements. Collectively, these policies, procedures, and processes should provide for: (i) The design, implementation, and maintenance of a data architecture and information technology infrastructure that support the covered bank's risk aggregation and reporting needs during normal times and during times of stress; (ii) the capturing and aggregating of risk data and reporting of material risks, concentrations, and emerging risks in a timely manner to the board of directors and the OCC; and (iii) the distribution of risk reports to all relevant parties at a frequency that meets their needs for decision-making purposes.

Talent and Compensation Management

A covered bank should establish and adhere to processes for talent development, recruitment, and succession planning. The board of directors or appropriate committee should review and approve a written talent management program. A covered bank should also establish and adhere to compensation and performance management programs that comply with any applicable statute or regulation.

Board of Directors Training and Evaluation

The board of directors of a covered bank should establish and adhere to a formal, ongoing training program for all directors. The board of directors should also conduct an annual self-assessment.

Type of Review: Regular review.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 23.

Estimated Burden per Respondent: 3,776 hours.

Estimated Total Annual Burden: 86,848 hours.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the information collection;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2020–21892 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities; Information Collection Renewal; Submission for OMB Review; Supervisory Guidance: Supervisory Review Process of Capital Adequacy (Pillar 2) Related to the Implementation of the Basel II Advanced Capital Framework

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC), Department of the Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). The OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled ''Supervisory Guidance: Supervisory Review Process of Capital Adequacy (Pillar 2) Related to the Implementation of the Basel II Advanced Capital Framework.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by November 4, 2020.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, 1557–0242, Office of the Comptroller of the Currency, 400 7th Street, SW, suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street, SW, suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0242'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by the following method:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit.'' This information collection can be located by searching by OMB control number ''1557–0242'' or ''Supervisory Guidance: Supervisory Review Process of Capital Adequacy (Pillar 2) Related to the Implementation of the Basel II Advanced Capital Framework.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks that OMB extend its approval of the following collection.

Title of Information Collection: Supervisory Guidance: Supervisory Review Process of Capital Adequacy (Pillar 2) Related to the Implementation of the Basel II Advanced Capital Framework.

OMB Control No.: 1557–0242.

Frequency of Response: Event-generated.

Affected Public: National banks.

Abstract: In 2008, the agencies [2] issued a supervisory guidance document for implementing the supervisory process for review of capital adequacy (Pillar 2).[3] Paragraphs 37, 41, 43, and 46 of the guidance contain information collections. Paragraph 37 provides that banks should state clearly the definition of capital used in any aspect of its internal capital adequacy assessment process (ICAAP) and document any changes in the internal definition of capital. Paragraph 41 provides that banks should maintain thorough documentation of ICAAP. Paragraph 43 specifies that the board of director should approve the bank's ICAAP, review it on a regular basis, and approve any changes. Boards of directors, under Paragraph 46, should periodically, and at least annually, review the assessment of overall capital adequacy and analyze how measures of internal capital adequacy compare with other capital measures (such as regulatory or accounting).

Estimated Burden:

Number of Respondents: 19.

Estimated Burden per Respondent: 140 hours.

Total Estimated Annual Burden: 2,660 hours.

Comments: On May 14, 2020, the OCC issued a notice for 60 days of comment concerning this collection, 85 FR 29019. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's burden estimates, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

[1] On May 14, 2020, the OCC published a 60-day notice for this information collection, 85 FR 29019.

[2] The OCC, Board of Governors of the Federal Reserve System, and Federal Deposit Insurance Corporation.

[3] 73 FR 44620 (July 31, 2008).

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2020–21889 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treas.gov/ofac*).

Notice of OFAC Actions

On September 30, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

BILLING CODE 4810–01–P

Individuals

1. BIN ALI, Khodr Taher (Arabic: خضر طاهر بن علي) (a.k.a. Al-Jaja; a.k.a. KHODR, Abou Ali; a.k.a. KHODR, Abu Ali (Arabic: ابو علي خضر); a.k.a. TAHER, Khader Ali; a.k.a. TAHER, Kheder Ali; a.k.a. TAHER, Khider Ali; a.k.a. TAHER, Khodr Ali (Arabic: خضر علي طاهر); a.k.a. "AL-KHUDUR, Khudhur Taher"; a.k.a. "JIJEH, Abu Ali"), Damascus, Syria; Tartous, Syria; DOB 1976; POB Safita, Tartous, Syria; nationality Syria; Gender Male (individual) [SYRIA].

   Designated pursuant to section 1(b)(i) of Executive Order 13582 of August 17, 2011, "Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria," 77 FR 52209, 3 CFR, 2011 Comp., p. 264, (E.O. 13582), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the GOVERNMENT OF SYRIA, a person whose property and interests in property are blocked pursuant to E.O. 13582.

2. KARFOUL, Hazem Younes (Arabic: حازم يونس قرفول) (a.k.a. KARFOUL, Hazem (Arabic: حازم قرفول); a.k.a. QARFOUL, Hazem Younes), Damascus, Syria; DOB 09 Jul 1976; POB Tartus, Syria; nationality Syria; Gender Male (individual) [SYRIA].

   Designated pursuant to section 1(b)(i) of Executive Order 13573 of May 18, 2011, "Blocking Property of Senior Officials of the Government of Syria," 76 FR 29143, 3 CFR, 2011 Comp., p. 241, (E.O. 13573), for being a senior official of the Government of Syria. Also, designated pursuant to section 1(b)(i) of E.O. 13582, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the GOVERNMENT OF SYRIA, a person whose property and interests in property are blocked pursuant to E.O. 13582.

3. LOUKA, Husam Muhammad (Arabic: حسام محمد لوقا) (a.k.a. LOUCA, Housam; a.k.a. LOUCA, Houssam; a.k.a. LOUCA, Husam; a.k.a. LOUCA, Hussam; a.k.a. LOUKA, Hussam (Arabic: حسام لوقا); a.k.a. LUKA, Hussam; a.k.a. LUQA, Husam; a.k.a. LUQA, Hussam), Damascus, Syria; DOB 1964; POB Damascus, Syria; alt. POB Khanasser, Aleppo, Syria; nationality Syria; Gender Male (individual) [SYRIA].

   Designated pursuant to section 1(b)(ii) of Executive Order 13572 of April 29, 2011, "Blocking Property of Certain Persons With Respect to Human Rights Abuses in Syria" 76 FR 24787, 3 CFR, 2011 Comp., p. 236, (E.O. 13572), for being a senior official of the SYRIAN GENERAL INTELLIGENCE DIRECTORATE, an entity whose property and interests in property are blocked pursuant to E.O. 13572.

Entities

1. AL ALI AND AL HAMZA LLC (Arabic: شركة العلي والحمزة), Rural Damascus, Syria; Organization Established Date 15 Jan 2019; Organization Type: Wholesale of construction materials, hardware, plumbing and heating equipment and supplies [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

2. CASTLE SECURITY AND PROTECTION LLC (a.k.a. AL-QALA'A FOR PROTECTION, GUARDING, AND SECURITY SERVICES (Arabic: شركة القلعة للحماية و الحراسة و الخدمات الامنية); a.k.a. AL-QALAA COMPANY FOR SECURITY SERVICES; a.k.a. C.S.P. CASTLE PROTECTION, GUARDING AND SECURITY SERVICES; a.k.a. CASTLE COMPANY FOR PROTECTION, GUARDING AND SECURITY SERVICES; a.k.a. CITADEL FOR PROTECTION, GUARD AND SECURITY SERVICES; a.k.a. "CASTLE SECURITY AND PROTECTION"), Opposite the gas station, enter hospital 601, Sheikh Saad, Mazzeh, West Villas, Damascus, Syria; Aleppo, Syria; Organization Type: Private security activities [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582. Also, designated pursuant to section 1(b)(i) of E.O. 13582, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the GOVERNMENT OF SYRIA, a person whose property and interests in property are blocked pursuant to E.O. 13582.

3. ELLA MEDIA SERVICES LLC (Arabic: شركة ايلا للخدمات الاعلامية), Damascus, Syria; Organization Established Date 07 Apr 2019; Organization Type: Advertising [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

4. ELLA TOURISM COMPANY (Arabic: شركة ايلا للسياحة) (a.k.a. IYLA FOR TOURISM), Syria; Organization Established Date 16 Aug 2017; Organization Type: Tour operator activities [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

5. EMMA LLC (Arabic: شركة ايما), Damascus, Syria; Organization Established Date 19 Jan 2017; Organization Type: Postal activities; alt. Organization Type: Other financial service activities, except insurance and pension funding activities, n.e.c.; Only locations in Syria [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

6. EMMA TEL LLC (Arabic: ايماتيل) (a.k.a. EMATEL COMMUNICATIONS; a.k.a. EMATEL LLC; a.k.a. EMMATEL; a.k.a. IMATEL FOR COMMUNICATIONS (Arabic: شركة ايماتيل للاتصالات); a.k.a. "EMATEL"), Shaalan, Damascus, Syria; Mazzeh Highway, Damascus, Syria; Behind Revolution Street, al-Lahoudiyeh, Tartous, Syria; New Zahira Highway, Al Zahira, Damascus, Syria; Marjeh, Damascus, Syria; Daraa Highway, Town Center, Damascus, Syria; Eastern Qalamoun, Rural Damascus, Syria; Flowers Street, Tartous, Syria; The Main Circle, Civilization Street, Homs, Syria; Quwatli Street, Homs, Syria; Murabit, Hama, Syria; Al Jamelaiah, Aleppo, Syria; Baghdad Street, Latakia, Syria; Latakia, Syria; March 8th Street, Latakia, Syria; University Highway, Al-Zahira, Latakia, Syria; Amara Street, Jeblah, Syria; Daraa, Syria; Al-Qamashil, Northeastern Region, Syria; Al-Hasakah, Syria; Deir Ezzor, Syria; Organization Type: Wholesale of electronic and telecommunications equipment and parts [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

7. EMMA TEL PLUS LLC (Arabic: شركة ايماتيل بلس) (a.k.a. IMATEL PLUS LLC), Damascus, Syria; Organization Established Date 17 Jan 2019; Organization Type: Wholesale of electronic and telecommunications equipment and parts [SYRIA] (Linked To: BIN ALI, Khodr Taher).

Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

8. GOLDEN STAR TRADING LLC (Arabic: شركة النجم الذهبي التجارية), Rural Damascus, Syria; Organization Established Date 23 Oct 2019; Organization Type: Wholesale of electronic and telecommunications equipment and parts [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

9. JASMINE CONTRACTING COMPANY (Arabic: شركة الياسمين التعهدات) (a.k.a. AL-YASMEEEN CONTRACTING COMPANY; a.k.a. AL-YASMEEN FOR CONTRACTING; a.k.a. AL-YAZMEEN FOR CONTRACTING; a.k.a. YASMIN FOR CONTRACTING), Damascus, Syria; Organization Established Date 14 Dec 2017 [SYRIA] (Linked To: BIN ALI, Khodr Taher).

   Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

10. SYRIAN COMPANY FOR METALS AND INVESTMENTS LLC (Arabic: شركة السورية للمعادن و الاستثمار), Damascus, Syria; Organization Established Date 22 Oct 2018; Organization Type: Wholesale of metals and metal ores [SYRIA] (Linked To: BIN ALI, Khodr Taher).

    Identified as an entity in which KHODR TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to an Executive order or regulations administered by OFAC, owns, directly or indirectly, a 50 percent or greater interest, as set forth in 31 CFR 542.411.

11. SYRIAN HOTEL MANAGEMENT LLC (Arabic: الشركة السورية للادارة الفندقية), Damascus, Syria; Organization Established Date 02 May 2017; Organization Type: Short term accommodation activities [SYRIA] (Linked To: BIN ALI, Khodr Taher).

    Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KHODR

TAHER BIN ALI, a person whose property and interests in property are blocked pursuant to E.O. 13582.

12. SYRIAN MINISTRY OF TOURISM (Arabic: وزارة السياحة السورية), P.O. Box 6642, Victoria Street, Barada Bank, Damascus, Syria; Kwatli Street, Barada Bank, Damascus 96311, Syria; Website http://www.syriatourism.org; Organization Established Date 1972 [SYRIA].

Identified as an entity falling within the definition of the GOVERNMENT OF SYRIA as set forth in section 8(d) of E.O. 13582 and section 542.305 of the Syrian Sanctions Regulations, 31 CFR part 542.

13. SYRIAN TRANSPORT AND TOURISM COMPANY (Arabic: الشركة السورية للنقل و السياحة) (a.k.a. SYRIAN TRANSPORT AND TOURISM JSC), Al-Bahsa, Damascus, Syria; Organization Established Date 1952; Organization Type: Tour operator activities; alt. Organization Type: Short term accommodation activities [SYRIA] (Linked To: SYRIAN MINISTRY OF TOURISM).

Designated pursuant to section 1(b)(ii) of E.O. 13582, for being owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the GOVERNMENT OF SYRIA, a person whose property and interests in property are blocked pursuant to E.O. 13582.

Dated: September 30, 2020.

Andrea M. Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–21959 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–AL–C

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the identifying information of one individual who was added to OFAC's list of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: SEE SUPPLEMENTARY INFORMATION section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On September 30, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following individual are blocked under the relevant sanctions authority listed below.

Individual:

1. RODRIGUEZ LOPEZ–CALLEJA, Luis Alberto (Latin: RODRÍGUEZ LÓPEZ–CALLEJA, Luis Alberto) (a.k.a. RODRIGUEZ LOPEZ–CALLEJAS, Luis Alberto (Latin: RODRÍGUEZ LÓPEZ–CALLEJAS, Luis Alberto)), Calle 49 A Nro. 3626, Playa, Havana, Cuba; DOB 19 Jan 1960; POB Cuba; nationality Cuba; Gender Male; Passport A009956 (Cuba) issued 23 Jan 2017 expires 23 Jan 2029 (individual) [CUBA].

Identified pursuant to the Cuban Assets Control Regulations, 31 CFR part 515 (CACR), as meeting the definition of a Cuban national, a person whose property and interests in property are blocked pursuant to CACR.

Dated: September 30, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–21933 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more individuals that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List). OFAC has determined that one or more applicable legal criteria were satisfied to place the individuals on the SDN List. All property and interests in property subject to U.S. jurisdiction of these

individuals are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; or Assistant Director for Regulatory Affairs, tel.: 202–622–4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On September 18, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following individuals are blocked under the relevant sanctions authority listed below.

Individuals

1. BENAVIDES RONDON, Williams Jose; DOB 04 Apr 1981; POB Guanipa, Anzoategui, Venezuela; nationality Venezuela; Gender Male; Cedula No. V–15631775 (Venezuela) (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of Executive Order 13692 of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela,'' 80 FR 12747, 3 CFR, 2015 Comp., p. 276 (E.O. 13692), as amended by Executive Order 13857 of January 25, 2019, ''Taking Additional Steps To Address the National Emergency With Respect to Venezuela,'' 84 FR 509 (E.O. 13857), for being a current or former official of the Government of Venezuela.

2. BUCARAN PARAGUAN, Chaim Jose, Calle Ayacucho Cruce con Calle Apure, Casa Nro. 04, Sector Pueblo Nuevo, Anaco, Anzoategui 6003, Venezuela; DOB 16 Aug 1972; POB Anaco, Anzoategui, Venezuela; nationality Venezuela; Gender Male; Cedula No. V–10998672 (Venezuela); Passport 024751597 (Venezuela) issued 03 Jul 2009 expires 02 Jul 2014 (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

3. GUTIERREZ PARRA, Jose Bernabe, Av Las Acacias entre Libertador y Andres Bello, Edf Florida Plaza Piso 2 Apt 2, Caracas, Gran Caracas 1010, Venezuela; DOB 21 Dec 1952; POB Caicara del Orinoco, Bolívar, Venezuela; nationality Venezuela; Gender Male; Cedula No. V–1565144 (Venezuela); Passport 068637114 (Venezuela) issued 04 Mar 2013 expires 03 Mar 2018 (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(A)(1) of E.O. 13692, as amended by E.O. 13857, for being responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or having participated in, directly or indirectly, actions or policies that undermine democratic processes or institutions.

4. LUCES OSORIO, Guillermo Antonio, Urbanizacion Base Aragua, 2da Avenida, Edificio Piedra Pintada, Torre B, PH 2B, Maracay, Aragua 2101, Venezuela; DOB 23 Oct 1970; POB Aragua, Venezuela; nationality Venezuela; Gender Male; Cedula No. V–9656271 (Venezuela); Passport 095146311 (Venezuela) issued 13 Jun 2014 expires 12 Jun 2019 (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

5. PONENTE PARRA, Miguel Antonio Jose, Urbanizacion Los Sauces II, Calle 6, Casa N D–19, San Felipe, Yaracuy 3201, Venezuela; DOB 05 Feb 1975; POB San Felipe, Yaracuy, Venezuela; nationality Venezuela; Gender Male; Cedula No. V–12277477 (Venezuela); Passport 066562397 (Venezuela) issued 17 Jan 2013 expires 16 Jan 2018 (individual) [VENEZUELA].

Designated pursuant to section 1(a)(ii)(C) of E.O. 13692, as amended by E.O. 13857, for being a current or former official of the Government of Venezuela.

Dated: September 18, 2020.

Andrea Gacki,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2020–21932 Filed 10–2–20; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0760]

Agency Information Collection Activity: Paralympics & Olympics Monthly Assistance Allowance Application and Certification

AGENCY: Office of National Veterans Sports Programs and Special Events, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before December 4, 2020.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Brian McCarthy, Office of Regulatory and Administrative Affairs (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Brian.McCarthy4@va.gov*. Please refer to ''OMB Control No. 2900–0760'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Brian McCarthy at (202) 615–9241.

SUPPLEMENTARY INFORMATION:

Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Paralympic & Olympics Monthly Assistance Allowance Application and Certification, VA Forms 0918a and 0918b

OMB Control Number: 2900–0760.

Type of Review: Reinstatement with change of a previously approved collection.

Abstract: Section 703 of the Veterans' Benefits Improvement Act of 2008, Public Law 110–389, authorizes the Department of Veterans Affairs (VA) to administer a monthly assistance allowance to a veteran with a service-connected or non-service-connected disability if the veteran is competing for a slot on or selected for the United States Paralympics or Olympics team or is residing at a United States Paralympics or Olympics training

center. The information collected will be used to certify eligibility for the monthly assistance allowance, verify the veteran's mailing address, confirm that he or she has been accepted by the Paralympics or Olympics to compete in a specific Paralympic or Olympic sport, and determine their marital status and number of dependents for the purpose of assessing payment amounts.

Affected Public: Individuals and households.

Estimated Annual Burden: 50 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 100.

By direction of the Secretary.

Danny S. Green,

VA Clearance Officer, Office of Quality, Performance and Risk (OQPR), Department of Veterans Affairs.

[FR Doc. 2020–21911 Filed 10–2–20; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 85 Monday,

No. 193 October 5, 2020

Part II

Department of Energy

10 CFR Part 431

Energy Conservation Program: Test Procedure and Labeling Requirements for Dedicated-Purpose Pool Pump Motors; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2017–BT–STD–0048]

RIN 1904–AE38

Energy Conservation Program: Test Procedure and Labeling Requirements for Dedicated-Purpose Pool Pump Motors

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and request for comment.

SUMMARY: The U.S. Department of Energy (''DOE'') is proposing to establish a test procedure and an accompanying labeling requirement for dedicated-purpose pool pump (''DPPP'') motors. Specifically, DOE is proposing to incorporate by reference an industry standard pertaining to DPPP definitions and marking requirements; require the use of an industry testing standard for testing the energy efficiency of DPPP motors; and to establish a labeling requirement that would specify information to be included on the permanent nameplate, catalogs, and marketing materials of DPPP motors. DOE is seeking comment from interested parties on the proposal.

DATES: DOE will accept comments, data, and information regarding this proposal no later than November 19, 2020. DOE will hold a webinar on this proposed test procedure on October 20, 2020 from 1 p.m. to 4 p.m. See section V, ''Public Participation,'' for details.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–STD–0048, by any of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

(2) *Email: DPPMotors2017STD0048@ee.doe.gov.* Include the docket number EERE–2017–BT–STD–0048 or regulatory information number (RIN) 1904–AE38 in the subject line of the message.

(3) *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

(4) *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Suite 600, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section V.A of this document.

Docket: The docket, which includes **Federal Register** notices, webinar attendee lists and transcripts (if a webinar is held), comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2017-BT-STD-0048.* The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section V.A for information on how to submit comments through *http://www.regulations.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Office of Energy Efficiency and Renewable Energy following the instructions at *https://www.reginfo.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–2J, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–9870. Email *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Amelia Whiting, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–2588. Email: *amelia.whiting@hq.doe.gov.*

For further information on how to submit a comment, or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: DOE proposes to incorporate by reference the following industry standards into 10 CFR part 431:

CSA C747–09 (R2014), ''Energy Efficiency Test Methods for Small Motors''.

Copies of CSA C747–09, can be obtained from the Canadian Standards Association (''CSA''), Sales Department, 5060 Spectrum Way, Suite 100, Mississauga, Ontario, L4W 5N6, Canada, 1–800–463–6727, or *http://www.shopcsa.ca/*

UL 1004–10:2019, ''Outline of Investigation for Pool Pump Motors''.

Copies of UL 1004–2019, can be obtained from Underwriters Laboratories (''UL''), 333 Pfingsten Road, Northbrook, Illinois, 60062 or *https://www.shopulstandards.com/ProductDetail.aspx?UniqueKey=36019.*

For a further discussion of these standards, see section IV.N.

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I. Authority and Background

Electric motors are included in the list of ''covered equipment'' for which DOE is authorized to establish and amend energy conservation standards, test procedures, and labeling requirements. (42 U.S.C. 6311)(1)(A)). Electric motors include dedicated-purpose pool pump motors (''DPPP motors'' or ''pool pump motors''), the subject of this rulemaking.[1] The following sections discuss DOE's authority to establish a test procedure, a labeling requirement for DPPP motors, and relevant background information regarding DOE's consideration of a test procedure and labeling requirement for this equipment.

A. Authority

The Energy Policy and Conservation Act, as amended (''EPCA''),[2] among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and certain industrial equipment. (42 U.S.C. 6291–6317) Title III, Part C[3] of EPCA, added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. This equipment includes those electric motors that are DPPP motors, the subject of this document. (42 U.S.C. 6311(1)(A))

The energy conservation program under EPCA consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of EPCA specifically include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316). Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316(a) and (b); 42 U.S.C. 6297) In this NOPR, DOE is proposing to establish a test procedure based on an industry testing standard for testing the energy efficiency of certain DPPP motors; and to establish a labeling requirement that would specify information to be included on the permanent nameplate, catalogs, and marketing materials of these DPPP motors.

1. Test Procedure

Under 42 U.S.C. 6314, EPCA outlines the criteria and procedures DOE must follow in prescribing test procedures for covered equipment. The test procedure shall be reasonably designed to produce test results which reflect energy efficiency, energy use, and estimated operating costs of a type of industrial equipment (or class thereof) during a representative average use cycle (as determined by the Secretary), and shall not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) Before issuing a final test procedure, the Secretary shall publish the proposed test procedure in the **Federal Register** and afford interested persons an opportunity (of not less than 45 days' duration) to present oral and written data, views, and arguments on the proposed test procedures. (42 U.S.C. 6314(b))

2. Labeling Requirement

When the Secretary has issued a test procedure under section 6314 of EPCA for a specific class of industrial equipment, the Secretary shall also prescribe a labeling rule for that equipment. (42 U.S.C. 6315(a)). The labeling rule must disclose the energy efficiency of the equipment as determined in accordance with the applicable test procedure. (42 U.S.C. 6315(b)). The rule prescribing a label may also include such requirements as the Secretary determines are likely to assist purchasers in making purchasing decisions including: (1) Directions for the display of the label; (2) a requirement to display on the label information related to energy efficiency or energy consumption, which may include instructions for maintenance and repair of the covered equipment, as necessary, to provide adequate information to purchasers; and (3) requirements that printed matter displayed or distributed with the equipment at the point of sale also include the information required to be placed on the label. (42 U.S.C. 6315(b) and 42 U.S.C. 6315(c))

EPCA establishes specific requirements for the labeling of classes of equipment, including electric motors, for which test procedures have been established. (42 U.S.C. 6315(a), (b) and (d)) Further, the labeling rule shall provide that the labeling of any electric motor manufactured after the 12-month period beginning on the date the Secretary prescribes such labeling rules, shall: (1) Indicate the energy efficiency of the motor on the permanent nameplate attached to such motor; (2) prominently display the energy efficiency of the motor in equipment catalogs and other material used to market the equipment; and (3) include such other markings as the Secretary determines necessary solely to facilitate enforcement of the standards established for electric motors under section 6313 of this title. (42 U.S.C. 6315(d))

Prior to prescribing any labeling rule, EPCA sets out certain criteria that must be met. Specifically, to establish a labeling requirement, DOE must determine that: (1) Labeling in accordance with section 6315 is technologically and economically feasible with respect to any particular equipment class; (2) significant energy savings will likely result from such labeling; and (3) labeling in accordance with section 6315 is likely to assist consumers in making purchasing decisions. (42 U.S.C. 6315(h))

Before prescribing any labeling rule for covered equipment, the Secretary must publish the proposed labeling rule in the **Federal Register** and afford interested persons an opportunity (of not less than 45 days) to present oral and written data, views, and arguments on the proposed rules. (42 U.S.C. 6315(g)(1)) Also, before prescribing any labeling rule, the Secretary shall consult with, and obtain the written views of, the Federal Trade Commission (''FTC'') with respect to such rule. (42 U.S.C. 6315(f)) The FTC shall promptly provide such written views upon the request of the Secretary. (*Id.*) A labeling rule must take effect within three months after the date of prescription of such rule, except that such rule may take effect not later than six months after such date of prescription if the Secretary determines that such extension is necessary to allow persons subject to the labeling requirement adequate time to come into compliance with the rule. (42 U.S.C. 6315(g)(2))

DOE is publishing this notice of proposed rulemaking (''NOPR'') pursuant to its authority under EPCA.

[1] An electric motor is defined as ''a machine that converts electrical power into rotational mechanical power.'' 10 CFR 431.12.

[2] All references to EPCA in this document refer to the statute as amended through America's Water Infrastructure Act of 2018, Public Law 115–270 (October 23, 2018).

[3] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

B. Background

DPPP motors are electric motors, which are defined as machines that convert electrical power into rotational mechanical power. 10 CFR 431.12. DOE has established test procedures, labeling requirements, and energy conservation standards for certain electric motors (10 CFR part 431 subpart B), but those requirements do not apply to DPPP motors subject to the proposed labeling requirements. Currently, DPPP motors that would be subject to the proposed labeling requirements are not subject to any Federal energy conservation standards, test procedures, or labeling requirements because they do not fall within any of the specific classes of electric motors that are currently regulated by DOE. [4] However, DPPP motors are electric motors and, therefore, are and have been among the types of industrial equipment for which Congress has authorized DOE to establish applicable regulations under EPCA without need for DOE to undertake any additional prior administrative action.

As a general matter, DOE notes that 42 U.S.C. 6297, as applied to certain industrial equipment through 42 U.S.C. 6316(a), provides that Federal preemption applies to testing and labeling requirements of equipment covered under EPCA.[5] *See* 42 U.S.C. 6297(a). Federal preemption also generally applies to energy use and energy efficiency or water use of covered products both before and after Federal energy conservation standards become effective. *See* 42 U.S.C. 6296(b)–(c).

Electric motors are covered equipment under EPCA to which preemption applies by virtue of Congress having included such motors in the statute. *See* National Energy Conservation Policy Act, Public Law 95–619, Sec. 441 (Nov. 9, 1978) (defining electric motors as covered equipment); Energy Policy Act of 1992, Public Law 102–486, Sec. 122 (October 24, 1992) (defining the term ''electric motor''); *and* Energy Independence and Security Act, Public Law 110–140), Sec. 313 (removing the statutory definition of ''electric motor''). DOE has actively regulated the energy efficiency and related test procedure and labeling requirements for electric motors since the 1990s. *See, e.g.* 64 FR 54114 (October 5, 1999) (implementing energy conservation standards and test procedures established by EPCA). The regulatory definition adopted by DOE for the term ''electric motor'' encompasses any machine that converts electrical power into rotational mechanical power, *see* 10 CFR 431.12. Motors subject to that definition are electric motors regardless of whether DOE has established an energy conservation standard for any particular subtype of electric motor, including the DPPP motors at issue in this proposal.

In DOE's view, this historical backdrop points to a statutory framework in which any energy conservation standards, labeling requirements, or test procedures for electric motors, as broadly defined in DOE's current regulations, continue to be subject to Federal preemption. This situation, and for the policy reasons discussed elsewhere in this document, merit action by DOE to ensure the uniformity of the various energy conservation-related requirements pertaining to the specific class of electric motors addressed in this proposal (*i.e.* DPPP motors) in a manner consistent with the statutory framework that Congress has enacted. That framework indicates that covered equipment specified by Congress (in this case, electric motors) are subject to Federal preemption regardless of whether Federal energy conservation standards, labeling requirements, or test procedures have been established. Accordingly, DOE notes that efforts by States to set energy conservation standards, test procedures, or labeling requirements for DPPP motors—or any other electric motor—are preempted as a matter of law.[6]

On January 18, 2017, DOE published a direct final rule establishing energy conservation standards for dedicated-purpose pool pumps (''DPPPs''). 82 FR 5650 (the ''January 2017 Direct Final Rule''). DOE confirmed the adoption of the standards and the effective date and compliance date in a notice published on May 26, 2017. 82 FR 24218. DOE also established a test procedure for DPPPs. 82 FR 36858 (August 7, 2017).

In comments submitted in response to the direct final rule, several interested parties discussed the issue of the efficiency of electric motors used in DPPPs. Comments were received from a broad range of interested parties, including manufacturers, trade associations, and energy efficiency advocacy organizations suggesting that energy conservation standards were also needed for motors used in pool pumps. Commenters wanted to ensure that consumers who purchased pool pumps compliant with the new standards at 10 CFR 431.465(f), who subsequently needed to replace their motor, would do so with a motor of equal or greater efficiency. All comments received that discussed DPPP motors supported further rulemaking to address these motors. (Regal Beloit Corporation (''Regal Beloit''), No. 122 at p. 1; Hayward Industries, Inc. (''Hayward''), No. 125 at p. 1; Pentair Water Pool and Spa, Inc. (''Pentair''), No. 132 at pp. 1–2; Zodiac Pool Systems (''Zodiac''), No. 134 at pp. 1–2; Association of Pool and Spa Professionals (''APSP''), No. 127 at p. 2; Appliance Standards Awareness Project (''ASAP''), No. 133 at pp. 4–5; Natural Resource Defense Council (''NRDC''), No. 121 at p. 4; California Investor Owned Utilities (''CA IOUs''), No. 130 at p. 2) [7]

Subsequently, DOE published a notice of public meeting and held a public meeting on August 10, 2017, to consider potential scope, definitions, equipment characteristics, and metrics for pool pump motors. 82 FR 30845 (July 3, 2017). DOE also requested comment on potential requirements for pool pump motors in a request for information (''RFI'') pertaining to test procedures for small electric motors and electric motors. 82 FR 35468 (July 31, 2017).

[4] The current energy conservation standards at 10 CFR 431.425 apply to electric motors that satisfy nine criteria listed at 10 CFR 431.425(g), subject to the exemptions listed at 10 CFR 431.25(l). The nine criteria are as follows: (1) Are single-speed, induction motors; (2) are rated for continuous duty (MG1) operation or for duty type S1 (IEC); (3) contain a squirrel-cage (MG1) or cage (IEC) rotor; (4) operate on polyphase alternating current 60-hertz sinusoidal line power; (5) are rated 600 volts or less; (6) have a 2-, 4-, 6-, or 8-pole configuration; (7) are built in a three digit or four-digit NEMA frame size (or IEC metric equivalent), including those designs between two consecutive NEMA frame sizes (or IEC metric equivalent), or an enclosed 56 NEMA frame size (or IEC metric equivalent); (8) produce at least one horsepower (0.746 kW) but not greater than 500 horsepower (373 kW), and; (9) meet all of the performance requirements of one of the following motor types: A NEMA Design A, B, or C motor or an IEC Design N or H motor. The exemptions listed at 10 CFR 431.25(l) are: (1) Air-over electric motors; (2) component sets of an electric motor; (3) liquid-cooled electric motors; (4) submersible electric motors; and (5) inverter-only electric motors.

[5] Both pumps (such as DPPPs) and electric motors are treated as covered industrial equipment under EPCA, thus providing the legal basis for DOE's authority to regulate these types of equipment. *See* 42 U.S.C. 6311(1).

[6] EPCA defines an ''energy conservation standard'' as either a performance standard prescribing a minimum level of energy efficiency or a maximum quantity of energy use for a product or a design requirement for a product. See 42 U.S.C. 6311(18).

[7] The comment numbers referenced in the parenthetical refer to comments in docket number EERE–2015–BT–STD–0008, available at: *https://www.regulations.gov/docket?D=EERE-2015-BT-STD-0008.* A notation in the form ''Regal Beloit, No. 122 at p. 1'' identifies a written comment: (1) Made by Regal Beloit; (2) recorded in document number 122 that is filed in the aforementioned docket; and (3) which appears on page 1 of document number 122.

On August 14, 2018, DOE received a petition submitted by a variety of entities (collectively, the ''Joint Petitioners'') asking DOE to issue a direct final rule for energy conservation standards for DPPP motors (''Joint Petition''). The entities comprising the Joint Petitioners are indicated in Table I–1. The Joint Petitioners stated that the motor on a pool pump will often fail before the pump itself needs to be replaced, and motor-only replacements are common. (Joint Petition, No. 14 at p. 2)[8] They added that without a complementary standard for DPPP motors, upon replacing a pool pump motor, consumers may install replacement motors that are less efficient than the motor with which the DPPP was originally equipped. (*Id.*) To address this concern, the Joint Petitioners asked DOE to establish a direct final rule establishing prescriptive standards and a labeling requirement for DPPP motors. (Joint Petition, No. 14 at pp. 6–9) They suggested having the direct final rule do the following:

- Define ''dedicated-purpose pool pump motor'' as any motor that is certified to UL Standard 1004–10:2019, or designed and/or marketed for use in dedicated-purpose pool pump applications;
- Cover DPPP motors with a total horsepower (''THP'') of less than or equal to 5 THP; and exempt polyphase motors capable of operating without a drive (and distributed in commerce without a drive), waterfall pump motors, rigid electric spa pump motors, storable electric spa pump motors, integral cartridge-filter pool pump motors, and integral sand-filter pool pump motors;
- Establish prescriptive requirements: (1) Prohibiting DPPP motors from operating with a capacitor-start induction-run or split-phase configuration at maximum operating speed, (2) requiring that DPPP motors with greater than or equal to 1.15 THP meet the definition of ''variable-speed control'' DPPP motors, and (3) subjecting DPPP motors with freeze protection controls to the same requirements as DPPPs with freeze protection controls;
- Require that DPPP motors include a label indicating the THP and whether the motor is a single-speed, two-speed, multi-speed, or variable-speed control; and
- Require that manufacturers report to DOE information including the settings of the controls for motors with freeze protection controls (shipped enabled vs. shipped disabled); and, for those DPPP motors distributed with freeze protection controls enabled, the default dry-bulb air temperature setting (in degrees Fahrenheit (''°F'')), default run time setting (in minutes) and default motor speed (in revolutions per minute (''rpm'')). (Id.)

The Joint Petitioners asserted that their proposal for DPPP motors would provide significant benefits to consumers, manufacturers, and the electric grid, by assuring that, when replacing the motor on a DPPP, consumers would continue to realize the energy and cost savings provided under the DPPP energy conservation standard. (Joint Petition, No. 14 at p. 9) The Joint Petitioners sought a compliance date of July 19, 2021, to align with the standards compliance date for DPPPs. (Id.) See also 82 FR 24218 (May 26, 2017).

DOE published a notice of the Joint Petition and sought comment on whether to proceed with the proposal, as well as any data or information that could be used in DOE's determination of whether to issue a direct final rule. 83 FR 45851 (September 11, 2018).[9] The comment period for this notice closed on October 26, 2018.

DOE received comments in response to DOE's notice of receipt of the Joint Petition. Table I–1 lists the commenters and identifies whether each was part of the group of Joint Petitioners.[10] Comments were generally supportive of establishing energy conservation standards for DPPP motors. (AHRI, No. 35 at p. 1; ACEE, No. 26 at p. 1; ASAP, No. 31 at p. 1; Arizona Public Service, No. 40 at p. 1; APSP, No. 33 at pp. 1–2; CA IOUs, No. 39 at pp. 1–2; CEC, No. 29 at pp. 1–3; CFA, No. 20 at pp. 1–2; FCAN, No. 21 at p. 1; Hayward, No. 24 at p. 1–2; NEMA, No. 23 at p. 1; National Grid USA, No. 32 at p. 1; NRDC, No. 25 at pp. 1–2; NCDEQ, No. 38 at p. 1, NEEP, No. 27 at p. 1; NPCC, No. 19 at p. 1; Pentair, No. 37 at pp. 1–2; Pool Solutions Group, No. 41 at p. 1; Regal Beloit, No. 28 at p. 1; Speck Pumps, No. 34 at p. 1; Texas ROSE, No. 22 at pp. 1–2; Tucson Electric Power and UNS Electric, No. 18 at p. 1; Waterway Plastics, No. 36 at p. 1; Zodiac, No. 30 at pp. 1–6.)

TABLE I–1—LIST OF JOINT PETITIONERS AND COMMENTERS IN RESPONSE TO THE JOINT PETITION

Organization	Abbreviation	Stakeholder group	''Joint petitioner''
Air-Conditioning, Heating, and Refrigeration Institute.	AHRI	Trade Organization	No.
Alliance to Save Energy *	ASE	Energy Efficiency Advocates	Yes.
American Council for an Energy Energy-Efficient Economy.	ACEEE	Energy Efficiency Advocates	Yes.
Appliance Standards Awareness Project	ASAP	Energy Efficiency Advocates	Yes.
Arizona Public Service	Arizona Public Service	Utility	Yes.
Association of Pool & Spa Professionals	APSP	Trade Organization	Yes.
California Energy Commission	CEC	State	Yes.
Consumer Federation of America	CFA	Consumer Protection Advocacy Group	Yes.
Florida Consumer Action Network	FCAN	Consumer Protection Advocacy Group	Yes.
Hayward Industries	Hayward	Pool Pump Manufacturer	Yes.
National Electrical Manufacturers Association	NEMA	Trade Organization	Yes.
National Grid USA Service Company, Inc.	National Grid USA	Utility	No.
Natural Resources Defense Council	NRDC	Energy Efficiency Advocates	Yes.
Nidec Motor Corporation *	Nidec	Motor Manufacturer	Yes.
North Carolina Department of Environmental Quality.	NCDEQ	State	No.
Northeast Energy Efficiency Partnerships	NEEP	Energy Efficiency Advocates	No.

[8] The references to comments in the remainder of the document are to comments in Docket No. EERE–2017–BT–STD–0048, which is available at: *https://www.regulations.gov/docket?D=EERE-2017-BT-STD-0048.*

[9] Docket No. EERE–2017–BT–STD–0048, available at: *https://www.regulations.gov/docket?D=EERE-2017-BT-STD-0048.*

[10] DOE also received a comment unrelated to pool pump motors, which is not addressed in this proposed rule. Docket: No. EERE–2017–BT–STD–0048, Anonymous, No. 17.

TABLE I–1—LIST OF JOINT PETITIONERS AND COMMENTERS IN RESPONSE TO THE JOINT PETITION—Continued

Organization	Abbreviation	Stakeholder group	''Joint petitioner''
Northwest Power and Conservation Council	NPCC	Interstate Compact	Yes.
Pacific Gas and Electric, Southern California Edison, San Diego Gas and Electric.	CA IOUs	Utility	Yes.
Pentair Water Pool and Spa, Inc.*	Pentair	Pool Pump Manufacturer	Yes.
Pool Solutions Group	Pool Solutions Group	Small Business Owner	No.
Regal Beloit Corporation	Regal Beloit	Motor Manufacturer	Yes.
Speck Pumps	Speck Pumps	Pool Pump Manufacturer	Yes.
Texas Ratepayers' Organization to Save Energy	Texas ROSE	Consumer Protection Advocacy Group	Yes.
Tucson Electric Power, Inc., and UNS Electric, Inc.	Tucson Electric Power, and UNS Electric.	Utility	No.
Waterway Plastics, Inc	Waterway Plastics	Pool Pump Manufacturer	Yes.
WEG*	WEG	Motor Manufacturer	Yes.
Zodiac Pool Systems LLC	Zodiac	Pool Pump Manufacturer	Yes.

* Joint Petitioner who did not file an additional comment in response to DOE's notice of petition.

On December 12, 2018, representatives from APSP, NEMA, Nidec Motors, Regal Beloit, and Zodiac met with DOE to reiterate the need for implementation of the Joint Petition. (December 2018 *Ex Parte* Meeting, No. 42 at p. 1) [11] On February 5, 2019, APSP, NEMA, Hayward, Pentair, Nidec Motors, Regal Beloit, WEG Commercial Motors, and Zodiac held another meeting with DOE in which the petitioners presented an alternative approach to the Joint Petition, suggesting DOE propose a labeling requirement for DPPP motors. (February 2019 *Ex Parte* Meeting, No. 43 at p. 1) These interested parties specifically requested that DOE base the labeling requirement on a newly-available industry standard for pool pump motors published on July 1, 2019 (UL 1004–10:2019, ''Pool Pump Motors''), a design standard that incorporates some of the proposals contained in the Joint Petition. (February 2019 *Ex Parte* Slides, No. 43 at pp. 9–10) A follow-up memorandum was submitted to DOE on March 1, 2019, providing additional information related to UL 1004–10:2019. (March 2019 *Ex Parte* Memo, No. 44) The interested parties noted the timelines and costs that would be involved in applying a label to the affected pool pump motors and the impacts flowing from past labeling efforts. (*See generally* id. at 1–3.)

[11] With respect to each of the ex parte communications noted in this document, DOE posted a memorandum submitted by the interested party/parties that summarized the issues discussed in the relevant meeting as well as its date and attendees, in compliance with DOE's Guidance on Ex Parte Communications. 74 FR 52795–52796 (Oct. 14, 2009). The memorandum of the meeting as well as any documents given to DOE employees during the meeting were added to the docket as specified in that guidance. See Id. at 74 FR 52796.

II. Synopsis of the Notice of Proposed Rulemaking

In response to the Joint Petition and the alternative recommendation presented by several of the Petitioners following submission of the Joint Petition, DOE is proposing to establish a test procedure and a labeling requirement for DPPP motors with the intention of ensuring that the energy savings from the DPPP standard are maintained while posing minimal costs to manufacturers and avoiding potential overlap between DOE requirements and industry-developed standards. DOE is not, however, contemplating the adoption of separate energy conservation standards for the DPPP motors that would be tested and labeled under this proposal.

In this document, DOE is proposing to:

- Specify that the test procedure and labeling rule would apply to ''subject DPPP motors'' (*i.e.,* DPPP motors with a THP of less than or equal to 5, but would not apply to: (i) DPPP motors that are polyphase motors capable of operating without a drive and distributed in commerce without a drive that converts single-phase power to polyphase power; (ii) waterfall pump motors; (iii) rigid electric spa pump motors, (iv) storable electric spa pump motors; (v) integral cartridge-filter pool pump motors, and (vi) integral sand-filter pool pump motors);
- Incorporate by reference UL 1004–10:2019 and reference the definitions of that standard;
- Incorporate by reference CSA C747–09 as the energy efficiency test method for DPPP motors;
- Require the nameplate of a subject DPPP motor (1) to include the full load efficiency of the motor as determined under the proposed test procedure, and (2) if the DPPP motor is certified to UL–1004:2019, to include the statement, ''Certified to UL 1004–10:2019'';
- Require that catalogs and marketing materials include the full load efficiency of the motor;
- Require manufacturers to notify DOE of the subject DPPP motor models in current production (according to the manufacturer's model number) and whether the motor model is certified to UL 1004–10:2019; and
- Require manufacturers to report to DOE the full load efficiency of the subject DPPP motor models as determined pursuant to the proposed test procedure. Additionally, if a DPPP motor model is certified to UL 1004–10:2019, require manufacturers to report the total horsepower and speed configuration of the motor model as provided on the nameplate pursuant to the UL certification.

DOE proposes to incorporate these new DPPP motor requirements in a new subpart Z within 10 CFR part 431. The provisions of the proposed rule are discussed in further detail in the following section.

III. Discussion

A. Scope of Applicability

DOE is proposing that the scope of the proposed test procedure and labeling requirements for DPPP motors align with the scope of motors used in pool pumps that are subject to standards and for which DOE has established an energy performance requirement,[12] both in terms of capacity and categories of equipment (with the six exemptions). *See* 10 CFR 431.465. Accordingly, DOE proposes that the scope of this test procedure and labeling rule includes all

[12] Integral cartridge filter pool pumps and integral sand filter pool pumps subject to standards do not have energy performance requirements. Instead, they must be distributed in commerce with a pool pump timer that is either integral to the pump or a separate component that is shipped with the pump (10 CFR 431.465(g))

pool pump motors with a THP less than or equal to 5 THP, and excludes six categories of motors that correspond to the kinds of motors used in pool pumps for which DOE has not established performance standards. *See* 10 CFR 431.465. DOE notes that DPPP motors are not small electric motors as defined under EPCA.[13] Therefore, the proposed test procedure and labeling requirements would apply to DPPP motors regardless of how the equipment is sold: *i.e.,* whether incorporated in a DPPP or sold separately as a replacement part. The scope is the same as the scope recommended by the Joint Petitioners, which includes pool pump motors regardless of how they are sold—*i.e.,* incorporated in pool pumps, individually sold, and without regard to whether the motor is manufactured domestically or imported. 83 FR 45851, 45855. The scope is also the same as the scope of UL 1004–10:2019. (*See* UL 1004–10:2019 sec. 1.4, 1.5) The proposed exemptions, for which definitions are provided in UL 1004–10:2019, are listed as follows:

- Polyphase motors capable of operating without a drive and distributed in commerce without a drive that converts single-phase power to polyphase power,
- Waterfall pump motors,
- Rigid electric spa pump motors,
- Storable electric spa pump motors,
- Integral cartridge-filter pool pump motors, and
- Integral sand-filter pool pump motors.

The recommended upper limit of 5 THP was set to approximate the scope of the pool pumps subject to standards at 10 CFR 431.465(f), which has an upper bound of 2.5 hydraulic horsepower (''HHP'').[14] DOE already defines the term ''dedicated-purpose pool pump motor total horsepower'' at 10 CFR 431.462 and establishes how it is determined in section E.3.4 of 10 CFR part 431, subpart Y, appendix C. This approach is identical to the characterization of DPPP motor THP in UL 1004–10:2019 (which is discussed further in section III.D.3). (See UL 1004–10:2019, sec. 2.15.) UL 1004–10:2019 also requires the DPPP motor THP to be permanently marked on the nameplate. (See UL 1004–10:2019, sec. 7.1.)

The proposed exemption for polyphase motors would apply to three-phase motors operating on three-phase power supply, which are most common in commercial applications and not used in residential applications. The proposed exemptions for polyphase motors would not exempt three-phase motors operating on a single-phase power supply (by connecting the motor to a drive that converts single-phase power to three-phase power), which are commonly used in residential applications. This exemption would ensure that DPPP motors used in pool pumps operating on three-phase power, which are not subject to energy performance requirements under 10 CFR part 431, subpart Y, would be exempt from the proposed labeling requirements. The remaining proposed five exemptions would also exempt DPPP motors used in DPPPs that are not subject to energy performance requirements under 10 CFR part 431, subpart Y.

Therefore, the scope of the proposed test procedure and labeling requirement is consistent with the scope of motors used in pool pumps that are subject to standards and for which DOE has set an energy performance requirement, with the scope of UL 1004–10:2019, and with the scope recommendations of the Joint Petitioners.

DOE requests comments on its proposal to establish a test procedure and labeling requirement for DPPP motors with a total horsepower of less than or equal to 5 THP, with the exception of: Polyphase motors capable of operating without a drive and distributed in commerce without a drive that converts single-phase power to polyphase power; waterfall pump motors; rigid electric spa pump motors; storable electric spa pump motors; integral cartridge-filter pool pump motors; and integral sand-filter pool pump motors.

B. Definitions

As noted, UL 1004–10:2019 establishes definitions and marking requirements for certain pool pump motors and describes methods to verify the information conveyed by those required markings. DOE proposes to incorporate by reference UL 1004–10:2019 (see section III.D.3 of this NOPR) and to reference the definitions published in that industry standard, as generally recommended by the Joint Petitioners. DOE notes that while UL 1004–10 was referenced in the Joint Petition, at the time, UL 1004–10 was in the process of being developed and had not been finalized. (Joint Petition, No. 14 at p. 7) DOE provides the main deviations of the definitions finalized in UL 1004–10:2019 from those recommended by the Joint Petitioners in Table III–1 of this NOPR.

TABLE III–1—UL 1004–10:2019 DEFINITION DEVIATIONS FROM JOINT PETITIONERS' RECOMMENDATIONS [15]

Definition	Deviations from the joint petitioners' recommendations
Dedicated-purpose pool pump motor.	UL 1004–10:2019 only uses ''and/or'' as ''designed and/or marketed'' whereas Joint petitioners use ''and/or'' before ''is designed'' and before ''marketed.''
Designed and marketed	UL 1004–10:2019 removes ''when distributed in commerce'' from the recommended definition. UL 1004–10:2019 also uses ''any publicly available documents'' whereas the joint petitioners use ''all publicly available documents''.
Designed and/or marketed ...	UL 1004–10:2019 removes ''when distributed in commerce'' from the recommended definition.
Dedicated-purpose pool pump motor total horsepower (THP).	UL 1004–10:2019 includes further specification that THP is calculated in accordance with the method provided in section E.3.4 of appendix C of 10 CFR, part 431, subpart Y, Pumps; and that the DPPP motor THP is also referred to in the industry as service factor horsepower or motor capacity.

[13] DPPP motors are not general-purpose motors and therefore do not meet the definition of small electric motors. 10 CFR 431.442. Certain DPPP motors have similar characteristics to small electric motors. They can be single speed, NEMA 2-digit frame size, have open enclosures and can either be capacitor-start induction-run, capacitor-start capacitor-run or polyphase motors. However, these DPPP motors do not meet all the performance requirements in section 1.05 of NEMA MG1–1987 for general purpose motors (*i.e.,* service factor, breakdown torque, locked rotor torque); and/or are designed, marketed for use in pool pump application, or both. Therefore, they do not meet the definition of a small electric motors. Accordingly, EPCA's exclusion of small electric motors that are a component of a covered product or equipment type from the small electric motors energy conservation standards does not apply to DPPP motors. *See* 42 U.S.C. 6317(b)(3).

[14] A pool pump providing 2.5 HHP typically operates using a 5 THP motor.

TABLE III–1—UL 1004–10:2019 DEFINITION DEVIATIONS FROM JOINT PETITIONERS' RECOMMENDATIONS [15]—Continued

Definition	Deviations from the joint petitioners' recommendations
Integral cartridge-filter pool pump motor; Integral sand-filter pool pump motor; Storable electric spa pump motor;	UL 1004–10:2019 removes ''that is distributed in commerce'' from the recommended definitions.
Variable-speed control dedicated-purpose pool pump motor.	UL 1004–10:2019 removes ''that must be distributed in commerce'' from the recommended definitions. UL 1004–10:2019 also includes references to 10 CFR part 431, subpart Y within the definitions.
Multi-speed dedicated purpose pool pump motor; Two-speed dedicated purpose pool pump motor.	UL 1004–10:2019 adds new definitions (Joint petitioners did not recommend definitions).

DOE requests comment on its proposal to incorporate by reference the definitions included in UL 1004–10:2019.

As discussed in section III.E, the proposed reporting requirement would require manufacturers to notify DOE of the models in current production (according to the manufacturer's model number) to which the labeling requirement applies. DOE proposes to reference the term ''manufacturer's model number,'' which is generally applicable to commercial equipment and defined as the identifier used by a manufacturer to uniquely identify the group of identical or essentially identical commercial equipment to which a particular unit belongs. The manufacturer's model number typically appears on equipment nameplates, in equipment catalogs and in other product advertising literature. 10 CFR 431.2.

DOE requests comment on the proposed use of the term ''manufacturer's model number'' as defined at 10 CFR 431.2 for the purpose of reporting.

C. Test Procedures

As discussed in section I.A.1, EPCA provides for the establishment of a test procedure for covered equipment. (42 U.S.C. 6314(a)) The test procedure must be reasonably designed to produce results reflecting the energy efficiency, energy use, and estimated operating costs of the covered equipment. (42 U.S.C. 6314(a)(2)) While EPCA includes specific test procedure-related requirements for electric motors, these requirements are limited to those motors for which standards are applicable. (See 42 U.S.C. 6314(a)(5)) As energy conservation standards are not currently applicable for DPPP motors, these specific requirements do not apply.

Consistent with the statutory framework, DOE is proposing to incorporate by reference CSA C747–09 (published October 1, 2009) as the prescribed test method for evaluating the energy efficiency of those electric motors used in DPPP applications. This industry-based test procedure, which is already prescribed by DOE as an alternative testing method for evaluating the efficiency of certain small electric motors, can be applied to the range of electric motors that are used in DPPPs—including both single- and variable-speed DPPP motors. Any anticipated costs for the proposed test procedure are discussed in section III.F.1 of this document.

CSA C747 provides guidelines for the testing of a single motor. CSA C747–09 requires the direct measurement of electrical input power to the motor and mechanical output power (in the form of torque and speed) from the motor (*i.e.,* ''input-output'' test), and calculates the efficiency as the ratio of these two values at different load points. CSA C747–09 explicitly states that the test method is applicable to motors with variable speed controls (see Section 4 of CSA C747–09) and multi-speed motors (See Section 6.6 and 6.7.1 of CSA C747–09), which is inclusive of the scope of DPPP motors. Accordingly, DOE proposes to incorporate CSA C747–09 by reference at 10 CFR 431.482.

DOE requests comments on its proposal to incorporate by reference CSA C747–09 as the prescribed test method for evaluating the energy efficiency of DPPP motors.

As specified in section 6.5 of CSA C747–09, the motor efficiency is measured at no fewer than five load points.[16] When represented in catalogs, motor efficiency in general, and specifically pool pump motor efficiency, is typically provided at full load. DOE proposes the energy efficiency metric for pool pump motors to be the full load efficiency.[17] The efficiency of electric motors and small electric motors currently subject to the test procedures in appendix B to subpart B of 10 CFR part 431 and at 10 CFR 431.444 is measured at full load.

DOE requests comments on its proposal to use full load efficiency as the energy efficiency metric for pool pump motors.

In addition to providing a test method to measure motor efficiency, Section 7 of CSA C747–09 provides instructions on how to select the corresponding nominal efficiency value from Table 1 of CSA C747–09. Section 8 of CSA C747–09 requires that the nominal efficiency value at full load be marked on the motor. To determine the nominal efficiency, Table 1 of CSA C747–09 provides a series of standardized ranges of efficiency from 6 to 11 percent up to 98.8 to 99.0 percent. For a tested motor, the nominal efficiency value selected is the maximum efficiency value of the range that includes the measured efficiency value. As a result, the nominal efficiency value is either equal to or greater than the measured efficiency value. For example, a motor with a measured efficiency value of 84.5 percent could have a nominal efficiency value of 86.5 percent, which is the maximum efficiency value of the range that includes the measured efficiency value. To prevent having a metric that could potentially overstate the measured efficiency of the motor, DOE is not proposing to require use of nominal efficiency when labeling the efficiency of a pool pump motor as described in Section 7 and 8 of CSA

[15] Grammatical and formatting changes in the definitions in UL 1004–10:2019 from those recommended by the Joint Stakeholders are not included in this table.

[16] As specified in section 6.5 of CSA C747–09, the motor efficiency is measured at no fewer than five load points total; at least four of which must be between 25% and 100% of full-load, and at least one of which between 100% and 125% of full-load.

[17] For variable speed motors, Section 3 of CSA C747–09 defines ''full load'' as the rated output power at the speed specified by the manufacturer. For all other motors, it is defined as the rated horsepower of the motor (*i.e.,* the horsepower indicated on its nameplate).

C747–09. Instead, DOE is proposing that a manufacturer test at least one motor for each model and that the labeled efficiency of a tested motor (*i.e.,* the labeled full load efficiency) for that model fairly discloses the results of such test. (*See* 42 U.S.C. 6314(d))

D. Labeling and Disclosure Requirement

As discussed earlier, DOE is proposing to adopt a test procedure for DPPP motors and a corresponding labeling rule. Under the current statutory framework, labeling requirements for electric motors are dependent upon the Secretary's establishment of a test procedure pursuant to DOE's authority under 42 U.S.C. 6314. (*See* 42 U.S.C. 6315(d)) In accordance with this authority, DOE is proposing to establish a labeling rule to require that the nameplate indicate the energy efficiency of a DPPP motor as determined by the proposed test procedure, and that the equipment catalog and other marketing materials also disclose the energy efficiency of the DPPP motor. (*See* 42 U.S.C. 6315(d)(1)–(2)) DOE is not, however, proposing to include other markings related to energy conservation standards for electric motors because no energy conservation standards under section 6313 currently apply to DPPP motors. (*See* 42 U.S.C. 6315(d)(3)) The inclusion of the energy efficiency of the motor on the nameplate and marketing materials will allow consumers to compare the efficiency of the original motor in the DPPP with potential replacement motors.

In addition, this labeling proposal would also incorporate by reference UL 1004–10:2019 (see section III.D.3 for further details) and require manufacturers to include the statement ''Certified to UL 1004–10:2019'' on the nameplate of DPPP motors, if the motor is certified to UL–1004:2019. This proposal would not affect a manufacturer's ability to sell DPPP motors that are not ''Certified to UL 1004–10:2019,'' as these motors can be used in other pump applications.[18] As described in section III.D.3 of this NOPR, UL 1004–10:2019 requires that pool pump motors certified to that standard be permanently marked with their total horsepower and speed configuration (either single-speed, two-speed, multi-speed, or variable-speed). DOE believes that the inclusion of the ''Certified to UL 1004–10:2019'' statement as well as the label disclosing the motor's energy efficiency will inform consumers about which motors should be used to maintain the efficiency of the DPPP.

As a result of this proposed rule, (1) the nameplates of all subject DPPP motors would include the energy efficiency of the motor as determined by the proposed test procedure, and (2) the nameplates of all subject DPPP motors certified to UL 1004–10:20119 would additionally include the statement ''Certified to UL 1004–10:2019,'' in addition to the total horsepower and speed configuration information already required by UL 1004–10:2019.

Section 6315(c) of EPCA authorizes the Secretary to include labeling requirements if they are likely to assist purchasers in making purchasing decisions, including: (1) Requirements and direction for display of any label, (2) requirements for including on any label, whether separately attached or shipped with, the covered equipment, such additional information relating to the energy efficiency, energy use, and other measures of energy consumption, including instructions for the maintenance, use, or repair of the covered equipment, as the Secretary determines necessary to provide adequate information to purchasers, and (3) requirements that printed matter which is displayed or display or distributed at the point of sale of such equipment disclose such information as may be required under this section to disclose on the label of such equipment. (42 U.S.C. 6315(c)) The inclusion of the statement ''Certified to UL 1004:10–2019,'' if applicable, would be likely to assist purchasers, as it provides purchasers additional information about the energy efficiency of the product. (*See* 42 U.S.C. 6315(c)(2)) Further, the statement on the nameplate would also inform purchasers that the equipment conforms to the industry standard for DPPP motors. Additionally, certification to UL 1004–10:2019 specifies that the nameplate on the DPPP motor include the total output power and speed configuration of the motor. This information would allow consumers to compare replacement motor models with the specifications of motors that are currently installed in their DPPPs, allowing for replacement with motors of comparable energy efficiency and speed capability.

1. Energy Efficiency Nameplate Label

As discussed previously, labeling rules applicable to electric motors shall provide that the label for electric motors indicate the energy efficiency of the motor on the permanent nameplate attached to the motor. (42 U.S.C. 6315(d)(1)) When establishing labels for electric motors, DOE must consider the NEMA Standards Publication MG1–1987 (''NEMA MG1–1987''). (42 U.S.C. 6315(d)) Section MG1–12.30 of NEMA MG1–1987 specifies that the energy efficiency of a motor must be measured in accordance with (1) Institute of Electrical and Electronics Engineers (''IEEE'') 114–1982 Test Procedures for Single Phase Motors; or (2) IEEE 112–1984 Test procedures for Polyphase Induction Motors and Generators.

IEEE 114–1982 has been updated and replaced by newer versions. The most recent version was published in 2010 (*i.e.,* IEEE 114–2010). IEEE 114–2010 is only applicable to single phase alternating current (''AC'') induction motors tested at full speed, and cannot be applied to the entire range of pool pump motors addressed in this NOPR. For example, IEEE 114–2010 does not include instructions on how to test electronically commutated motors (''ECMs''), which is the primary category of motors used in variable speed pool pumps.

IEEE 112–1984 also has been updated and replaced by newer versions. The most recent version was published in in 2017 (*i.e.,* IEEE 112–2017). IEEE 112–2017 provides test procedures for AC induction polyphase motors without drives and is not applicable to DPPP motors as defined in this proposal, given the proposed exemption for polyphase motors.[19] As discussed in section III.C, DOE proposes CSA C747–09 as the prescribed test method for evaluating the energy efficiency of those electric motors used in DPPP applications. DOE recognized in a previous rulemaking pertaining to small electric motors that CSA C747–09 is equivalent to the IEEE 114–2010 test methods. 74 FR 32059, 32065 (July 7, 2009). The main difference between the two industry standards is that CSA C747–09 explicitly states that the test method is also applicable to motors with variable speed controls (see Section 4 of CSA C747–09) and multi-speed motors (See Section 6.6 and 6.7.1 of CSA C747–09), making it explicitly applicable to those types of DPPP motors; whereas IEEE 114–2010 is applicable only to single phase AC induction motors tested at full speed, and cannot be applied to the entire

[18] *See, e.g. https://www.baldor.com/brands/baldor-reliance/products/motors/ac-motors/pump/56j-jet-pump-motors* (noting the various applications in which Baldor-Reliance's 56J Jet Pump Motors may be used) *and https://www.worldwideelectric.net/product-category/electric-motors/worldwide-low-voltage-motors/fractional-hp-motors/jet-pump-three-phase/* (identifying multiple applications for Worldwide Electric's three-phase jet pump (totally-enclosed, fan-cooled) electric motors).

[19] See exemption of polyphase motors capable of operating without a drive and sold without a drive that; converts single phase power to three-phase power discussed in section III.A of this document.

range of DPPP motors in scope. Therefore, CSA C747–09 is more appropriate than IEEE 114–2010 as a test procedure and for establishing labels for DPPP motors. In addition, as discussed in III.C, DOE proposes the metric for DPPP motors to be the full load efficiency. Accordingly, DOE proposes that the nameplate disclose the full load efficiency of the DPPP motor and that the equipment catalog and other marketing materials also include the full load energy efficiency of the DPPP motor. Furthermore, DOE is proposing to require representations be based on testing of a minimum of one DPPP motor that is manufactured by a single manufacturer, and which has the same total horsepower, has electrical characteristics that are essentially identical, and does not have any differing physical or functional characteristics regarding the operating speed. The disclosure of the energy efficiency of the motors on the nameplate informs consumers of the energy efficiency of a DPPP motor. This allows consumers to make comparisons prior to purchase by comparing the efficiency of the original DPPP motor with potential replacements. DOE also proposes to establish sampling requirements for those instances in which a manufacturer chooses to test more than one unit.

2. Energy Efficiency Disclosure

The labeling provisions in EPCA specific to electric motors require that equipment catalogs and other marketing materials prominently display the energy efficiency of the electric motor. (42 U.S.C. 6315(d)(2)) After reviewing equipment catalogs, DOE has determined that motor efficiency in general, and specifically pool pump motor efficiency, is typically provided at full load. The disclosure of motor energy efficiency in the marketing materials will inform consumers about the energy efficiency of potential replacement motors. This would allow consumers to compare the efficiency of the original DPPP motor with potential replacement motors and ultimately guide consumers on selecting an appropriate motor when a replacement for the original motor is necessary. Accordingly, DOE proposes that the equipment catalog and other marketing materials for DPPP motors include the full load energy efficiency of the DPPP motor model.

3. UL 1004–10:2019 Statement

As discussed in section I.B of this NOPR, several interested parties met with DOE and recommended as an alternative to the August 2018 petition that DOE adopt a labeling requirement for DPPP motors based on UL 1004–10:2019. These interested parties stated that requirements of UL 1004–10:2019 are identical to those suggested in the Joint Petition and that the UL standard was developed to identify DPPP motors that could be used in DPPPs that comply with the DOE standards. (APSP and NEMA, No. 43–b, at p. 9)

As discussed, UL 1004–10:2019 establishes definitions and marking requirements for certain pool pump motors and describes methods to verify the information conveyed by those required markings. UL 1004–10:2019 requires that pool pump motors certified to that standard be permanently marked with their total horsepower and speed configuration (either single-speed, two-speed, multi-speed, or variable-speed).[20] UL 1004–10:2019 also specifies that (1) motors must not be built in a capacitor-start, induction-run or split-phase configuration at maximum operating speed; and (2) motors with a THP greater than or equal to 1.15 must include a variable-speed control. The UL 1004–10:2019 specifications reflect the motor options likely to be employed in DPPPs as a means to comply with the efficiency levels required by the DPPP standards at 10 CFR 431.465(f) (compliance date of July 19, 2021). Accordingly, a DPPP motor that meets the UL standard and that is used as a replacement motor in a compliant DPPP would ensure that the efficiency level of the DPPP is maintained. The inclusion of the ''Certified to UL 1004–10:2019'' statement would inform consumers that the motor being used in their DPPP meets the same industry standards as the original motor including the speed and configuration of the motor.

Pool pump motors with a total horsepower greater than or equal to 1.15 THP are primarily used in standard-size self-priming pool filter pumps (52 percent of DPPP motor applications), while pool pump motors below 1.15 THP are typically found in small-size self-priming pool filter pumps, non-self-priming pool filter pumps, and pressure cleaner booster pumps (which represent 48 percent of the DPPP motor applications).[21] The limit in scope of UL 1004–10:2019 at 1.15 THP mirrors the 0.711 HHP limit used to differentiate standard-size self-priming pool filter pumps (which are subject to the DOE pool pump energy conservation standards that would likely require a variable-speed control motor) from small-size self-priming pool filter pumps (which are subject to the DOE pool pump energy conservation standards that would likely require a high-efficiency single-speed motor).

Additionally, UL 1004–10:2019 ensures that pool pump motors with freeze protection controls are shipped with the freeze protection feature disabled, or with the following default, user-adjustable settings: (a) The default dry-bulb air temperature setting shall be no greater than 40 °F; (b) the default run time setting shall be no greater than 1 hour (before the temperature is rechecked); and (c) the default motor speed in freeze protection mode shall not be more than half of the maximum operating speed. These settings are identical to the requirements for pool pumps with freeze protection controls found at 10 CFR 431.465(h) and ensure replacement motors have the same settings as original motors used in pool pumps. UL 1004–10:2019 also describes steps to follow in order to verify that these settings are included in pool pump motors with freeze protection controls.

Accordingly, DOE proposes that the statement ''Certified to UL 1004–10:2019'' be included on DPPP motors that are certified to UL–1004:2019. The inclusion of this statement would not prohibit the sale of DPPP motors that are not certified to UL 1004–10:2019 for other applications, but it evidences to consumers which motors will ensure that the efficiency level of the original DPPP motor is maintained.

4. Statutory Requirements for Label

For any labeling requirement under 42 U.S.C. 6315, EPCA states that the Secretary shall not promulgate labeling rules for ''any class of industrial equipment unless it has determined that (1) labeling in accordance with this section is technologically and economically feasible with respect to such class; (2) significant energy savings will likely result from such labeling; and (3) labeling in accordance with this section is likely to assist consumers in making purchasing decisions.'' (42 U.S.C. 6315(h)) Accordingly, DOE has reviewed the proposed labeling requirement that the nameplate disclose the energy efficiency of a DPPP motor as determined by the proposed test procedure and that DPPP motors be marked, if applicable, with the statement ''Certified to UL 1004–10:2019.'' In addition, DOE has reviewed the proposed requirements for equipment catalogs and other marketing materials prominently displaying the energy efficiency of the electric motor.

[20] UL 1004–10, Outline of Investigation for Pool Pump Motors, Issue Number: 1, published July 1, 2019.

[21] Estimate of DPPP motors shipments by DPPP application for 2021.

DOE has made the following tentative findings.

DOE has tentatively determined that the proposed labeling requirement is technologically and economically feasible. As discussed previously, the proposed rule would incorporate by reference CSA C747–09 as the test procedure and require that the nameplate disclose the energy efficiency of a DPPP motor as determined by the proposed test procedure. In addition, the proposed rule would incorporate by reference UL 1004:10–2019 and require manufacturers to include the statement ''Certified to UL 1004–10:2019'' on the nameplate of DPPP motors, if the motor is certified to UL–1004:2019. Finally, the proposed rule would require that to the extent manufacturers provide equipment catalogs and other marketing materials, such catalogs and materials would be required to prominently display the energy efficiency of the electric motor. After reviewing product catalogs and purchasing a range of electric motor products for inspection, DOE has found that electric motor manufacturers include nameplates on their equipment, and typically these nameplates include the equipment's model number, horsepower, and other motor attributes. In addition, equipment catalogs also include similar information, with at least one DPPP motor manufacturer currently including energy efficiency information in its marketing materials and catalogs. DOE purchased and reviewed a selection of DPPPs from three different manufacturers and tentatively determined that the existing labels on the integrated motors include adequate blank space that would allow for incorporation of energy efficiency and an additional statement regarding the status of certification to UL 1004–10:2019 without needing to increase the size of the label. Furthermore, for those DPPP motor manufacturers that would be required to include additional energy efficiency information in their marketing materials and catalogs, DOE tentatively concludes that there is adequate space that would allow for the addition of the energy efficiency information. Given that manufacturers currently include nameplates on motors that would be classified as DPPP motors under the proposed rule, there would be no physical limitations on including the proposed statement, and that there would be no physical limitations to include the energy efficiency information in marketing materials and catalogs, DOE has tentatively determined that it is technologically feasible for DPPP motor manufacturers to provide the labeling requirements as proposed.

DOE has also tentatively determined that it is economically feasible [22] to include a label as proposed on a DPPP motor as required under 42 U.S.C. 6315(h)(1). *See* 42 U.S.C. 6315(h)(1)–(3) (prohibiting promulgation of labeling requirements unless the Secretary has first determined that labeling is technologically and economically feasible with respect to each class, that significant energy savings will likely result from such labeling, and labeling is likely to assist consumers in making purchasing decisions). As noted, manufacturers currently include nameplates on electric motors that would be classified as DPPP motors under the proposed rule, demonstrating that inclusion of a label is not cost prohibitive. Further, inclusion of the energy efficiency and the required UL 1004–10:2019 statement, if applicable, on an existing nameplate would also not be cost prohibitive. DOE estimates the one-time manufacturer conversion costs associated with label redesign to be up to $10,000 per DPPP motor manufacturer. This estimated cost includes the development of a new label layout by an internal resource, production of test samples, an internal committee meeting to approve final designs, and implementation across the assembly lines. DOE estimates that this cost would be less than one tenth of one percent of the average manufacturer's annual revenue. DOE notes that the interested parties stated that there would be a negligible incremental cost associated with obtaining a UL 1004–10:2019 label and estimated this cost to be in the range of $30,000–$40,000 per motor manufacturer.[23] (March 2019 *Ex Parte* Memo, No. 44 at p.2) However, the interested parties did not provide any further information on how this estimate was determined, and DOE acknowledges that this estimate may include costs that are outside of the scope of this labeling proposal.

DOE also estimates the requirement to include energy efficiency information in equipment catalogs and other marketing materials of DPPP motors, to the extent that such catalogs and materials are provided by a manufacturer, would also not be cost prohibitive. As discussed previously, DOE tentatively concluded that there is adequate space in catalogs and marketing materials that would allow for the addition of the energy efficiency information. Accordingly, DOE estimates that each DPPP motor manufacturer would spend approximately four additional hours annually to include this value on all equipment catalogs and marketing materials for all DPPP motor models. Based on estimates from the Bureau of Labor Statistics, DOE estimated $44.57 as the hourly rate for a ''marketing specialist'' or equivalent employee performing this task, resulting in an annual cost of $178 per manufacturer. See section III.F.1.d for further details.

DOE believes that DPPP motor manufacturers would not have suggested that DOE promulgate regulations that would impose costs that those manufacturers found to be uneconomic. Accordingly, DOE has tentatively determined that requiring nameplate labels to provide energy efficiency and the ''Certified to UL 1004–10:2019'' statement, if applicable, in addition to equipment catalogs and other marketing materials prominently displaying the energy efficiency, would be economically feasible. Additional discussion of the estimated costs of the proposed labeling requirement is provided in section III.F.

DOE's proposal is also consistent with the requirements of the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, 12(d), Mar. 7, 1996, 110 Stat. 783, *as amended by* Public Law 107–107, Div. A, Title XI, § 1115, Dec. 28, 2001, 115 Stat. 1241 (''NTTAA''), 15 U.S.C. 272 note, and the associated OMB Circular A–119, which directs Federal agencies to use voluntary consensus standards unless inconsistent with applicable law or otherwise impracticable.[24]

[22] The criterion of ''economically feasible'' is a separate and distinct consideration from ''economically justified'' under 42 U.S.C. 6295(o)(2)(B)(i) that requires evaluation of a series of seven factors specified by EPCA, one of which includes consideration of cost savings. (42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII)) The consideration of ''economically justified'' is required in the context of establishing energy conservation standards. (*See* 42 U.S.C. 6316(a); 42 U.S.C. 6295(o)(2)(b)(i)) Accordingly, DOE did not evaluate the proposed labeling requirements under the seven factors and did not estimate any potential cost savings that would occur were the labeling rule to be finalized.

[23] Interested parties also indicated that each pump manufacturer may be faced with a cost of up to $200,000–$300,000 associated with efforts to ''validate alternate motors and have them listed with the appropriate agencies.'' DOE notes that this labeling proposal does not require pump manufacturers to validate or list DPPP motors, and therefore this cost was not considered in this analysis.

[24] Section 12(d) of the NTTAA provides that with one exception, all Federal agencies and departments shall use technical standards developed or adopted by voluntary consensus standards bodies (''voluntary consensus standards''), using such standards as a means to carry out policy objectives or activities determined by the agencies and departments. The statutory exception is that a Federal agency or department may elect to use other technical standards if using voluntary consensus standards is inconsistent with

Continued

DOE has tentatively determined that the proposed labeling requirement would likely result in significant energy savings. DOE estimates that the proposed labeling rule would save 1.0 quadrillion British thermal units (quads) of energy over a 30-year period (2021–2050). This energy savings estimate assumes all consumers would select replacement motors that are as efficient as motors sold in compliant pool pumps (*i.e.,* compliant with the standards at 10 CFR 431.465(f)) and certified to UL 1004–10:2019. If consumers select replacement motors that are not as efficient as motors sold in compliant pool pumps and are not certified to UL 1004–10:2019, then the energy savings would be less than estimated in this analysis. The total energy savings from this proposed labeling rule can be broken down into two segments: (1) The preserved energy savings from the January 2017 Direct Final Rule (0.8 quads) and (2) additional energy savings (0.2 quads) from an increase in shipments of compliant pool pumps and pool pump motors. Since the publication of the January 2017 Direct Final Rule, several interested parties commented that without a complementary standard or label for DPPP motors, upon replacing a pool pump motor, consumers may install replacement motors that are less efficient than the motor originally in the pool pump (See discussion in section I.B). The January 2017 Direct Final Rule assumed that, even in the absence of DPPP motor requirements, all consumers purchasing pool pumps after 2021 would select replacement motors that are as efficient as the motors sold in the original pump and included the savings originating from the sales of replacement motors in the total energy savings for this rule. Considering the recent inputs from interested parties, DOE determined that a labeling rule is necessary to ensure these energy savings are preserved (0.8 quads). The additional energy savings (0.2 quads) are attributable to DPPPs that were manufactured prior to the DPPP energy conservation standards compliance date (*i.e.* July 19, 2021) that are repaired with replacement motors sold in or after 2021, and by an increase of shipments of compliant pool pumps (incorporating DPPP motors).

DOE used information from the DPPP direct final rule technical support document (Chapter 9 Shipments Analysis and Chapter 10 National Impact Analysis) to estimate the energy savings from the proposed labeling requirement.[25] First, DOE used the projected shipments of pool pumps, lifetime distributions, and repair frequency (40 percent per year) as provided in the DPPP rulemaking and recommended by interested parties (March 2019 *Ex Parte* Memo, No. 44 at p.2) to calculate the resulting number of failing motors each year and corresponding motor replacement sales. DOE then estimated the per unit energy savings of a DPPP with a less efficient replacement DPPP motor, as compared to the energy consumption of DPPP with a replacement motor that is certified to UL 1004–10:2019 (assuming that the UL 1004–10:2019 certified DPPP motor had the same efficiency and speed control capability as the motor being replaced). For each pool pump motor application (*i.e.,* pool pump equipment class), DOE then combined pool pump motor shipments and per unit energy savings estimates from the January 2017 Direct Final Rule to estimate the savings from the proposed labeling requirement generated by shipments of replacement motors. DOE projects that with the labeling requirement, the repair frequency will remain at its current rate of 40 percent as estimated by interested parties (as described below), rather than increasing to 60 percent as estimated in the January 2017 Direct Final Rule, resulting in a decrease in pool pump repairs that would have otherwise occurred, and therefore an increase in new compliant pool pump sales.[26] DOE combined pool pump shipments and per unit energy savings to calculate the additional energy savings from the increase in compliant pool pumps, due to the implementation of the proposed labeling requirements.

The calculations are provided in a spreadsheet published in the rulemaking docket.

The energy savings estimated by DOE (1.0 quads) are lower than the estimate of 1.9 quads provided by the interested parties. (March 2019 *Ex Parte* Memo, No. 44 at p.2) Interested parties based this estimate on several assumptions: (1) The repair frequency of all pool pump equipment classes would increase from 40 percent to 60 percent as a result of the pool pump energy conservation standards; (2) a labeling requirement would revert the repair frequency to its current scenario (40 percent), resulting in a decrease in pool pump repairs and increase in new pool pump sales; and (3) the energy savings would be generated exclusively by the increase in sales of compliant variable-speed controlled pool pumps. Interested parties then used the total energy savings over 30 years (2021–2050) from the DPPP rulemaking to estimate the energy savings from increased shipments of compliant pool pumps. DOE reviewed this calculation and identified four main points that explain the difference between DOE's 1.0 quads estimate and the 1.9 quads estimate provided by the interested parties:

- The interested parties' calculation was performed for the entire market of pool pump motors and includes energy savings from categories of pool pump motors for which DOE is not proposing a labeling requirement;
- The interested parties assumed that the repair frequency of all pool pumps would increase from 40 percent to 60 percent as a result of the pool pump energy conservation standards. However, in the January 2017 Direct Final Rule, DOE assumed that the repair frequency would increase only for some categories of pool pumps (*i.e.,* pool pumps sold prior to the compliance date of the pool pump standards, July 19, 2021; and still in operation after 2021). As a result, the shift back to a 40 percent repair frequency would impact only a fraction of the market, and would lead to a smaller increase in pool pump sales than estimated by the interested parties.
- The interested parties assumed that the 40 percent repair frequency corresponds to replacement (*i.e.,* standalone) motors representing 40 percent share of the total market for DPPP motors. However, the 40 percent repair rate corresponds to 40 percent of the segment of the market for repair/replacement of existing installations. As a result, the shift from a 40 percent to a 60 percent repair frequency cannot be used to represent the relative increase in sales of compliant pool pumps; and
- The interested parties' estimate accounts for the energy savings from the increase in sales of pool pumps and does not account for the savings from

applicable law or otherwise impractical, and if the agency head submits to OMB an explanation of the reasons for using the alternative standards. See 15 U.S.C. 272 note. Section 6 of OMB Circular A–119, available at *https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A119/revised_circular_a-119_as_of_1_22.pdf,* reiterates the requirement for Federal agencies to use voluntary consensus standards unless inconsistent with applicable law or otherwise impracticable, and to issue guidance for agency reporting to OMB when standards other than voluntary consensus standards are used.

[25] For more details, see chapter 9 and 10 of the DPPP direct final rule TSD, at *https://www.regulations.gov/document?D=EERE-2015-BT-STD-0008-0105.*

[26] In the January 2017 Direct Final Rule, DOE projected that the repair frequency of some categories of pool pumps (*i.e.,* certain pool pumps sold prior to the compliance date of the pool pump standards, July 19, 2021; and still in operation after 2021) will increase from 40 percent to 60 percent in the standards case due to the availability of lower efficiency replacement DPPP motors. 82 FR 5650, 5703 (January 18, 2017)

consumers selecting replacement motors that are UL 1004–10:2019 certified. DOE quantified the savings from consumers selecting replacement motors that are UL 1004–10:2019 certified and the savings generated by an increase in shipments of compliant pool pumps.

Finally, DOE has tentatively determined that the proposed labeling requirement would likely assist consumers in making purchasing decisions. A statement on the nameplate indicating certification to UL 1004–10:2019, if applicable, would inform purchasers that the equipment conforms to the industry standard for DPPP motors. Additionally, certification to UL 1004–10:2019 specifies that the nameplate on the DPPP motor includes the total horsepower and speed configuration of the motor. This information, combined with the energy efficiency information on the nameplate and in marketing materials and catalogs, would allow consumers to compare replacement motor models with the specifications of motors that are currently installed in their DPPPs, allowing for replacement with motors of comparable energy efficiency and speed configuration. In addition, interested parties highlighted the historical success of consumer labeling programs for electric motors. In 2001, NEMA introduced the NEMA Premium compliance mark. Within three years of this introduction, market penetration of premium efficiency motor designs jumped from 10% to over 25% of units sold, which indicates that compliance certifications on consumer labels may be effective in informing consumer purchasing decisions. (March 2019 *Ex Parte* Memo, No. 44 at p. 3)

For the reasons discussed, DOE has tentatively determined that the proposed labeling requirement (1) would be technologically and economically feasible; (2) would likely result in significant energy savings; and (3) would likely assist consumers in making purchasing decisions, as required by EPCA. Accordingly, DOE proposes to establish a labeling requirement for DPPP motors.

DOE seeks comment on the proposed requirement for DPPP motor manufacturers to label each DPPP motor with its measured energy efficiency on the motor's nameplate and to include that same information in marketing materials and catalogs, in addition to a statement indicating certification to UL 1004–10:2019, if applicable. Further, DOE seeks comment on whether this requirement is technologically and economically feasible, likely to result in significant energy savings, and likely to assist consumers in making purchasing decisions

DOE seeks data from manufacturers (and any other interested parties) regarding the cost of implementing the proposed labeling requirement, and the discrepancy between the costs DOE estimated to the costs estimated in the March 2019 *Ex Parte* Memo. Specifically, DOE requests the underlying information for how the March 2019 *Ex Parte* Memo estimated the costs to obtain a UL 1004–10:2019 label to be in the range of $30,000–$40,000 per motor manufacturer.

DOE also seeks comment on the degree to which the proposed labeling requirement should consider and be harmonized further with UL 1004–10:2019 or other relevant industry standards for DPPP motors, and whether any changes to the proposed Federal labeling requirement would provide additional benefits to the public. DOE also requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate labeling requirements, without modification.

E. Reporting

DOE proposes to require that the permanent nameplates of DPPP motors be clearly marked with the energy efficiency of the motor. For DPPP motors that are certified to UL–1004:2019, DOE proposes to also require the statement, ''Certified to UL 1004–10:2019''. Each manufacturer of equipment that would be covered under this proposal would be required to affix a label that meets, and is displayed in accordance with, the requirements of such rule. (42 U.S.C. 6315(a)–(d)) DOE is proposing that manufacturers or any distributor, retailer, or private labeler of DPPP motors be required to include the energy efficiency in any catalog from which a subject DPPP motor may be purchased, but is not proposing to require that such a catalog include the statement, ''Certified to UL 1004–10:2019,'' if applicable. (*Id.*) However, a manufacturer or any distributor, retailer, or private labeler may choose to include the ''Certified to UL 1004–10:2019'' statement, if applicable, in any catalog from which a subject DPPP motor may be purchased.

EPCA requires that each manufacturer of covered equipment to which a labeling rule under 42 U.S.C. 6315 applies must notify DOE—

(A) Of the models in current production (and starting serial numbers of those models) to which such rule applies not later than 60 days after the compliance date; and

(B) Prior to commencement of production, of all models subsequently produced (and starting serial numbers of those models) to which such rule applies. (42 U.S.C. 6316(a); 42 U.S.C. 6296(b)(1))

That is, for DPPP motors already being produced, manufacturers would be required to report such DPPP motors to DOE within 60 days following the compliance date (*i.e.,* 12 months following publication of the final rule if the rule is finalized). For new DPPP motors (*i.e.,* DPPP motors with a new manufacturer's model number [27]) produced after the effective date of a final rule (assuming it were finalized), manufacturers would be required to report to DOE prior to commencement of production.

EPCA does not define ''commencement of production'' and DOE is proposing only to specify that ''commencement of production'' must be a date prior to the distribution of a DPPP motor in commerce for sale. The exact point at which production commences may be understood differently between manufacturers depending on production planning and strategies. Regardless, ''commencement of production'' occurs prior to a new DPPP motor (*i.e.,* a DPPP motor with a new manufacturer's model number) being distributed in commerce for sale. DOE would require that a manufacturer report prior to distribution of a new DPPP motor in commerce for sale, allowing manufacturers to continue relying on their individual production planning and strategies. Additionally, a manufacturer would be required to report each manufacturer's model number for DPPP motors subject to the labeling requirement only once. This would not be an annual reporting requirement and there would be no requirement to report the discontinuance of a manufacturer's model number.

In addition to providing the manufacturer's model number, manufacturers would also be required to provide the associated brand name of the DPPP motor, the full load efficiency of the motor model as determined pursuant to the proposed test procedure, and whether the motor model is certified to UL 1004–10:2019. If a DPPP

[27] EPCA uses the term ''starting serial number'' (42 U.S.C. 6296(b)(1)). The reference to the ''starting'' serial number appears to be for the purpose of reporting the group of identical or essentially identical commercial equipment to which a particular unit belongs and to which the requirement applies, as opposed to reporting individual units. For consistency with DOE's Appliance Standards Program, DOE is using the term ''manufacturer's model number'' in lieu of the statutory term.

motor is certified to UL 1004–10:2019, a manufacturer would also be required to report the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL certification.

The report would also require submission of basic information such as the manufacturer's name and address. The report would also require inclusion of a reporting statement that includes the date, the name of the company official signing the statement, and his or her signature, title, address, telephone number, and email address; and a statement that: (1) All information reported in the report is true, accurate, and complete; and (2) the manufacturer is aware of the penalties associated with violations of EPCA, the regulations thereunder, and 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government. Reports would be submitted electronically through DOE's existing Certification Compliance Management System.

Manufacturers would be required to use reporting templates to report to DOE, within 60 days of the compliance date of any final rule, all subject DPPP motor models (reported according to the manufacturer's model number) in current production. Manufacturers would also be required to use reporting templates to report, prior to commencement of production, all subject DPPP motor with a previously unreported manufacturer's model number that are subsequently produced. To help interested parties better appreciate the proposed reporting requirement, a draft reporting template [28] is included in the docket.

As discussed, DOE is proposing reporting requirements based in part on the ''manufacturer's model number.'' DOE defines ''manufacturer's model number'' as the identifier used by a manufacturer to uniquely identify the group of identical or essentially identical covered products or covered equipment to which a particular unit belongs. 10 CFR 429.2. The manufacturer's model number typically appears on the product nameplates, in product catalogs and in other product advertising literature. Id. If the UL certification status were to change for a DPPP motor for which a report was previously submitted (*e.g.,* a DPPP motor that was previously reported as not certified to UL subsequently was certified) that DPPP motor would not be essentially identical to the covered equipment previously reported. Accordingly, a new manufacturer's model number would need to be assigned and a report submitted. DOE would expect that the change in the manufacturer's model number would be consistent with industry practice, as manufacturers would use different model numbers in marketing materials to distinguish between certified and non-certified equipment.

Additionally, DOE is proposing to permit third party submitters (*e.g.,* a trade association, an independent laboratory, or other authorized representative) to submit the required notification reports. Manufacturers would still be responsible for the report's submission, and each manufacturer using a third party submitter would be required to have an authorization form on file with DOE. The authorization form would include a compliance statement as specified in 10 CFR 431.486, specify the third party authorized to submit notification reports on the manufacturer's behalf, and provide the contact information and signature of a company official of the manufacturer.

If DOE were to finalize the labeling rule as proposed, several acts would be prohibited. For example, EPCA provides that it is unlawful for any manufacturer or private labeler to distribute in commerce any new covered equipment required to bear a label unless such equipment is labeled as required; for any manufacturer, distributor, retailer, or private labeler to remove a required label; and for any manufacturer to fail to provide energy efficiency information required to be provided. (See 42 U.S.C. 6316(a); 42 U.S.C. 6302(a)(1)–(3))

DOE seeks comment on the proposed reporting requirement and the proposed reporting template.

DOE also requests comment on the proposal not to require that the statement ''Certified to UL 1004–10:2019'' be included in catalogs that sell a DPPP motor that is certified to UL 1004–10:2019, and not to require manufacturers to submit a certification report to DOE regarding a motor's compliance with UL 1004–10:2019, if applicable.

F. Test Procedure and Labeling Costs, Harmonization, and Other Topics

1. Test Procedure and Labeling Costs and Impact

EPCA requires that test procedures and labeling proposed by DOE not be unduly burdensome to conduct. In this NOPR, DOE proposes to incorporate by reference UL 1004–10:2019 to reference the definitions; incorporate by reference CSA C747–09 as the proposed test procedure; require the nameplate of a subject DPPP motor to include (1) the full load efficiency of the motor as determined under the proposed test procedure and (2) the statement, ''Certified to UL 1004–10:2019,'' if applicable; require catalogs and marketing materials include the full load efficiency of the motor; require manufacturers to notify DOE of the subject DPPP motor models in current production (according to the manufacturer's model number) and indicate whether the motor is certified to UL 1004–10:2019; require manufacturers to report to DOE the full load efficiency as represented on the nameplate; and if a DPPP motor is certified to UL 1004–10:2019, require manufacturers to report the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification. DOE has tentatively determined that these proposed amendments would not be unduly burdensome for manufacturers to conduct.

DOE's analysis of this proposal indicates that, if finalized, it would result in a net cost to manufacturers.

TABLE III.1—SUMMARY OF TOTAL COST IMPACTS FOR DPPP MOTORS USING A 10-YEAR TIME HORIZON DISCOUNTED TO 2020

[Thousands 2019$]

Category	Present value costs *(3 percent)*	Present value costs *(7 percent)*
One-time labeling costs	49	47

[28] A draft reporting template is included in the docket, identified by docket number EERE–2017–BT–STD–0048.

TABLE III.1—SUMMARY OF TOTAL COST IMPACTS FOR DPPP MOTORS USING A 10-YEAR TIME HORIZON DISCOUNTED TO 2020—Continued

[Thousands 2019$]

Category	Present value costs *(3 percent)*	Present value costs *(7 percent)*
Reporting and marketing costs	23	19
Total Net Cost Impacts *	71	66

* Values may not sum exactly due to rounding.

TABLE III.2—SUMMARY OF ANNUALIZED COST IMPACTS FOR DPPP MOTORS USING A 10-YEAR TIME HORIZON DISCOUNTED TO 2020

[Thousands 2019$]

Category	Annualized costs *(3 percent)*	Annualized costs *(7 percent)*
One-time labeling costs	5.7	6.7
Reporting and marketing costs	2.7	2.7
Total Net Annualized Cost Impacts *	8.4	9.3

* Values may not sum exactly due to rounding.

Further discussion of the cost impacts of the proposed test procedure and labeling amendments are presented in the following paragraphs.

a. Incorporate by Reference UL 1004–10:2019

DOE proposes to incorporate by reference UL 1004–10:2019 without modification to reference the definitions published in UL 1004–10:2019, as generally recommended by the Joint Petitioners. UL 1004–10:2019 establishes definitions and marking requirements for certain pool pump motors and describes methods to verify the information conveyed by those required markings. Incorporating by reference UL 1004–10:2019 would harmonize DOE's test procedure and labeling requirement with current industry practice. Therefore, DOE has tentatively determined that the proposal to incorporate by reference UL 1004–10:2019 without modification would not be unduly burdensome for manufacturers and therefore would not incur any additional costs.

DOE requests comment on the tentative conclusion that there are no impacts and associated costs of incorporating by reference UL 1004–10:2019.

b. Incorporate by Reference CSA C747–09

DOE proposes to incorporate by reference CSA C747–09 as the prescribed test method for evaluating the energy efficiency of those electric motors used in DPPP applications. CSA C747–09 is an industry-accepted test procedure that measures the energy efficiency of certain motors, and is applicable to DPPP motors in scope sold in North America. California Title 20 regulations for pool pumps require manufacturers to submit the motor efficiency that shall be verifiable by IEEE 114–2001.[29] The 2018 International Swimming Pool and Spa Code, which is in use or adopted in 23 states, references the APSP energy standard APSP–15, ''Residential Swimming Pool and Spa Energy Efficiency.'' APSP–15 states that the reported DPPP motor efficiency shall be verifiable by IEEE 114. As noted in section III.D.1 of this NOPR, CSA C747–09 is equivalent to the IEEE 114–2010 test methods and provides comparable energy efficiency measurements. Further, manufacturers already test DPPP motors using the proposed test procedure, as California recently adopted regulations that require DPPP motors to be tested according to CSA C747–09. Accordingly, were the test procedure finalized as proposed, the DOE test procedure would not add any additional costs to manufacturers that are testing equipment using the industry test procedure prescribed in CSA C747–09, and would not be unduly burdensome.

DOE requests comment on the tentative conclusion that there are no impacts and associated costs of incorporating by reference CSA C747–09 as the test procedure for DPPP motors.

c. Nameplate Labeling Requirement

DOE proposes to require the nameplate of a subject DPPP motor to include (1) the full load efficiency of the motor as determined under the proposed test procedure, and (2) the statement, ''Certified to UL 1004–10:2019,'' for DPPP motors that are certified to UL 1004–10:2019,

As discussed in section III.D.4 of this NOPR, manufacturers currently include nameplates on electric motors that would be classified as DPPP motors under the proposed rule. Therefore, the additional costs for the labeling proposal would be in relation to the label redesign, which includes the development of a new label layout by an internal resource, production of test samples, an internal committee meeting to approve final designs, and implementation across the assembly lines. DOE estimates the one-time manufacturer conversion costs associated with label redesign to be $10,000 per DPPP motor manufacturer. DOE estimates there are five DPPP motor manufacturers. This estimate was based on a review of catalogs and

[29] In the new CEC regulations for DPPP motors adopted on April 20, 2020, the CEC uses CSA C747–09 as the test method for all DPPP motors, acknowledging that the CSA C747–09 test method provides a better test method than IEEE 114–01. Specifically, CSA C747–09 is intended for all types of small motors, while the IEEE 114–01 includes only single-phase AC induction motors. In addition, CSA C747–09 allows multiple motor speeds, while the IEEE 114–01 allows for only full-speed motor testing. CEC Final Analysis of Efficiency Standards for Replacement Dedicated-Purpose Pool Pump Motors; Docket Number 19–AAER–02; Published February 2020.

websites of motor manufacturers that were identified in the previous rulemaking pertaining to small electric motors and electric motors to determine if they manufactured DPPP motors. Therefore, DOE estimates the total cost to industry is $50,000.[30]

DOE seeks comment on its understanding of the estimated impact and associated costs to DPPP motor manufacturers from the proposed nameplate labeling requirement.

d. Energy Efficiency Disclosure Requirement

DOE proposes that the equipment catalog and other marketing materials include the full load energy efficiency of the DPPP motor. DOE estimates that DPPP motor manufacturers would be required to include more information than some DPPP motor manufacturers currently include. Therefore, DOE estimates that DPPP motor manufacturers would incur an additional burden to include this value on all equipment catalogs and marketing materials. DOE estimates that each DPPP motor manufacturer would spend approximately four additional hours annually to include this value on all equipment catalogs and marketing materials for all DPPP motor models. DOE used data from the Bureau of Labor Statistics to estimate the hourly wage of an employee responsible for updating these equipment catalogs and marketing materials. DOE estimated an hourly wage of $34.41 based on this data.[31] To include the full cost of employment to an employer, DOE used data from the Annual Survey of Manufacturers, for North American Industry Classification System (''NAICS'') code 335312 ''motor and generator manufacturing.'' For this NAICS code wages represent approximately 77.2 percent of the total cost of employment for a manufacturer.[32] Therefore, DOE used $44.57 ($34.41/0.772) as the hourly fully-burdened labor rate for a ''marketing specialist'' or equivalent employee performing this task. DOE estimates there are five DPPP motor manufacturers. Therefore, DOE estimates the total cost to industry is an additional $891 annually to comply with this proposed test procedure amendment.[33]

DOE seeks comment on its understanding of the estimated impact and associated costs to DPPP motor manufacturers due to the proposed equipment catalog and marketing material updates.

e. Reporting Requirement

DOE proposes that manufacturers would be required to use reporting templates to report to DOE, within 60 days of the compliance date of any final rule, all subject DPPP motor models (reported according to the manufacturer's model number) in current production, and indicate whether the motor is certified to UL 1004–10:2019. Furthermore, manufacturers would be required to use the reporting template to report to DOE the full load efficiency as represented on the nameplate, and if a DPPP motor is certified to UL 1004–10:2019, the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification. In addition, manufacturers would also be required to use reporting templates to report, prior to commencement of production, all subject DPPP motor with a previously unreported manufacturer's model number that are subsequently produced. However, a manufacturer would be required to report each manufacturer's model number for DPPP motors subject to the labeling requirement and the associate representations only once; this would not be an annual reporting requirement and there would be no requirement to report the discontinuance of a manufacturer's model number. A draft reporting template is included in the docket.

DOE estimates that the reporting to DOE would require approximately eight hours of time from a product/compliance/design engineer for each DPPP motor manufacturer every year, as new DPPP motor models are estimated to be introduced each year. Manufacturers would be required to report the manufacturer's model numbers of the DPPP motors subject to the reporting requirement, indicate whether the motor is certified to UL 1004–10:2019, and report the full load efficiency as represented on the nameplate, which is information manufacturers would be expected to already have. If a DPPP motor is certified to UL 1004–10:2019, manufacturers would be required to report the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification, which also is information manufacturers would be expected to already have. DOE used the same labor cost estimates used in the previous section, III.F.1.d of this NOPR. DOE again used $44.57 as the hourly fully-burdened labor rate for a marketing specialist to perform this task. DOE estimates there are five DPPP motor manufacturers. Therefore, DOE estimates the total cost to industry is approximately $1,783 annually to comply with this proposed test procedure amendment.[34]

DOE seeks comment on its understanding of the estimated impact and associated costs to DPPP motor manufacturers due to the proposed reporting requirement.

2. Harmonization with Industry Standards

On February 14, 2020, DOE finalized its rule, ''Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment'' (''the Process Rule''). (85 FR 8626) The Process Rule requires DOE to adopt industry test standards as DOE test procedures for covered products and equipment, unless such methodology would be unduly burdensome to conduct or would not produce test results that reflect the energy efficiency, energy use, water use (as specified in EPCA) or estimated operating costs of that equipment during a representative use cycle. Section 8(c) of appendix A 10 CFR part 430, subpart C; 10 CFR 431.4.[35] In cases where the industry standard does not meet EPCA statutory criteria for test procedures, DOE will make modifications through the rulemaking process to these standards as the DOE test procedure.

The proposed test procedures for DPPP motors at new subpart Z to part 431 would incorporate by reference the test standard CSA C747–09 (reaffirmed in 2014), Energy Efficiency Test Methods for Small Motors, without modification. CSA C747–09 is an industry-accepted test procedure that measures the energy efficiency of certain motors, and is applicable to DPPP motors in scope sold in North America. CSA C747–09 includes specifications for the test setup,

[30] The $50,000 is in 2019$ and is scheduled to occur in the estimated compliance year of 2021.

[31] Bureau of Labor Statistics mean hourly wage rate for Market Research Analysts and Marketing Specialists, May 2019—*https://www.bls.gov/oes/current/oes131161.htm.* Last accessed 6/1/2020.

[32] Based on 2015 and 2016 annual payroll and total fringe benefits data. *https://www.census.gov/data/tables/2016/econ/asm/2016-asm.html.* Last accessed 6/1/2020.

[33] The annual $891 cost is in 2019$ and is scheduled to occur every year after the estimated compliance year of 2021.

[34] The annual $1,783 cost is in 2019$ and is scheduled to occur every year after the estimated compliance year of 2021.

[35] This practice implements the National Technology Transfer and Advancement Act and OMB Circular A–119 with respect to the adoption of industry standards. (See 85 FR 8679–8680).

instrumentation, test conduct, and calculations. DOE also proposes to incorporate by reference UL 1004–10:2019, Outline of Investigation for Pool Pump Motors, without modification, to reference the definitions published in the same standard. UL 1004–10:2019 establishes definitions and marking requirements for certain pool pump motors and describes methods to verify the information conveyed by those required markings.

DOE requests comments on the benefits and burdens of the proposed updates and additions to industry standards referenced in the test procedure for DPPP motors.

DOE has identified two additional industry standards that are relevant to DPPP motors but has tentatively determined that they are not appropriate for the purpose of this proposal. As discussed in section III.D.1, IEEE 114–2010, Test Procedures for Single Phase Motors, and IEEE 112–2017, Test procedures for Polyphase Induction Motors and Generators, are alternative industry test procedures that are relevant for this NOPR. However, IEEE 114–2010 is applicable only to single phase AC induction motors tested at full speed, and cannot be applied to the entire range of pool pump motors addressed in this NOPR. Furthermore, IEEE 112–2017 provides test procedures for AC induction polyphase motors without drives and is not applicable to DPPP motors as defined in this proposal, given the proposed exemption for polyphase motors.

3. Other Test Procedure Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the proposed test procedure and labeling requirements for DPPP motors. Note that DOE also issued an RFI to seek more information on whether its test procedures are reasonably designed, as required by EPCA, to produce results that reflects the energy use or efficiency of a product during a representative average use cycle. 84 FR 9721 (Mar. 18, 2019). DOE particularly seeks comment on this issue as it pertains to the test procedure for DPPP motors, as well as information that would help DOE create a test procedure that is not unduly burdensome to conduct. Comments regarding repeatability and reproducibility are also welcome. DOE also recently published an RFI on the emerging smart technology appliance and equipment market. 83 FR 46886 (Sept. 17, 2018). In that RFI, DOE sought information to better understand market trends and issues in the emerging market for appliances and commercial equipment that incorporate smart technology. DOE's intent in issuing the RFI was to ensure that DOE did not inadvertently impede such innovation in fulfilling its statutory obligations in setting efficiency standards for covered products and equipment. In this NOPR, DOE seeks comment on the same issues presented in the RFI as they may be applicable to DPPP motors.

DOE also requests information that would help DOE create procedures and labeling requirements that would limit manufacturer burden through streamlining or simplifying requirements, while complying with the requirements of EPCA. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE must manage the costs associated with the imposition of expenditures required to comply with Federal regulations. See 82 FR 9339 (Feb. 3, 2017). Consistent with that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to DPPP motors consistent with the requirements of EPCA.

G. Compliance and Effective Dates

EPCA prescribes that, if DOE establishes or amends a test procedure, all representations of energy efficiency and energy use, including those made on marketing materials and product labels, must be made in accordance with that test procedure, beginning 180 days after publication of such a test procedure final rule in the **Federal Register**. (42 U.S.C. 6314(d)(1))

If DOE were to establish a new, or amend an existing test procedure, EPCA provides an allowance for individual manufacturers to petition DOE for an extension of the 180-day period to begin making representations if the manufacturer may experience undue hardship in meeting the deadline. (42 U.S.C. 6314(d)(2)) To receive such an extension, petitions must be filed with DOE no later than 60 days before the end of the 180-day period and must detail how the manufacturer will experience undue hardship. (*Id.*)

EPCA also requires DOE to prescribe a labeling rule for electric motors no later than 12 months after DOE prescribes a test procedure for that equipment. (42 U.S.C. 6315(d)). The labeling rule shall provide that the labeling of any electric motor manufactured after the 12-month period beginning on the date DOE prescribes the rule shall require the disclosure of certain information—*i.e.* the motor's energy efficiency (through a permanent nameplate attached to the motor), the motor's energy efficiency in equipment catalogs and other marketing materials, and any other markings determined necessary by the Secretary to facilitate enforcement of the standards established under 42 U.S.C. 6313. (*Id.)* EPCA also provides that a labeling rule will take effect no later than 3 months after the date the rule is prescribed, unless DOE determines that an extension is necessary to allow adequate time for compliance with the rule. If DOE determines that an extension is necessary, the effective date of the rule can be no more than 6 months after the date of its prescription. (42 U.S.C. 6315(g)(2)).

EPCA outlines three distinct dates in regard to compliance and effective dates of a labeling rule for electric motors. First, the date the labeling rule is established must be no later than 12 months after the corresponding test procedure for that electric motor is prescribed—which DOE views as the date of publication in the **Federal Register**. (42 U.S.C. 6315(d)) Consistent with this requirement, DOE proposes to promulgate the test procedure and labeling requirement in the same rulemaking, which means that both rulemakings will fall within the 12-month period provided in 42 U.S.C. 6315(d). Second, EPCA sets an effective date (*i.e.* the date on which a rule will becomes effective) for labeling rules of no more than three months after the date the labeling rule is prescribed except if DOE determines an extension is necessary to allow for compliance with the rule—in which case, the effective date may be extended for an additional 3 months. (42 U.S.C. 6315(g)(2)) The effective date of a labeling rule will be 60 days after the rule is published in the **Federal Register**. Finally, EPCA provides for a 12-month period, beginning on the date on which the labeling rule is prescribed, before compliance is required. (*See* 42 U.S.C. 6315(d)) Accordingly, the compliance date for a labeling rule would be 12 months after the final labeling requirement is published in the **Federal Register**.

H. Consultation with the Federal Trade Commission

Before prescribing any labeling rule for covered equipment, including DPPP motors, the Secretary must consult with, and obtain the written views of, the Federal Trade Commission (''FTC'') with respect to such rules. (42 U.S.C. 6315(f)) The FTC shall promptly provide such written views upon the request of the Secretary. (*Id.*) Prior to

publishing this proposal, DOE consulted with the FTC, and DOE is actively seeking the written views of the FTC.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rulemaking constitutes a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in OMB. Accordingly, pursuant to section 6(a)(3)(B) of the Order, DOE has provided to OIRA: (i) The text of the draft regulatory action, together with a reasonably detailed description of the need for the regulatory action and an explanation of how the regulatory action will meet that need; and (ii) An assessment of the potential costs and benefits of the regulatory action, including an explanation of the manner in which the regulatory action is consistent with a statutory mandate.

In this NOPR, DOE proposes to incorporate by reference UL 1004–10:2019 to reference the definitions; incorporate by reference CSA C747–09 as the proposed test procedure; require the nameplate of a subject DPPP motor (1) to include the full load efficiency of the motor as determined under the proposed test procedure and (2) if the subject DPPP motor is certified to UL–1004:2019, to include the statement, ''Certified to UL 1004–10:2019''; require catalogs and marketing materials include the full load efficiency of the motor; require manufacturers to notify DOE of the subject DPPP motor models in current production (according to the manufacturer's model number) and indicate whether the motor is certified to UL 1004–10:2019; require manufacturers to report to DOE the full load efficiency as represented on the nameplate; and if a DPPP motor is certified to UL 1004–10:2019, require manufacturers to report the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification.

The inclusion of the statement ''Certified to UL 1004:10–2019,'' if applicable, would be likely to assist purchasers, as it provides purchasers additional information about the energy efficiency of the product. (*See* 42 U.S.C. 6315(c)(2)) Further, the statement on the nameplate would also inform purchasers that the equipment conforms to the industry standard for DPPP motors. Additionally, certification to UL 1004–10:2019 specifies that the nameplate on the DPPP motor include the total output power and speed configuration of the motor. This information would allow consumers to compare replacement motor models with the specifications of motors that are currently installed in their DPPPs, allowing for replacement with motors of comparable energy efficiency and speed capability.

DOE estimates that the proposed labeling requirements would save 1.0 quadrillion British thermal units (quads) of energy over a 30-year period (2021–2050). The total energy savings from this proposed labeling rule can be broken down into two segments: (1) The preserved energy savings from the January 2017 Direct Final Rule (0.8 quads) and (2) additional energy savings (0.2 quads) from an increase in shipments of compliant pool pumps and pool pump motors. The January 2017 Direct Final Rule assumed that, even in the absence of DPPP motor requirements, all consumers purchasing pool pumps after 2021 would select replacement motors that are as efficient as the motors sold in the original pump and included the savings originating from the sales of replacement motors in the total energy savings for this rule. Considering the recent inputs from interested parties, DOE determined that a labeling rule is necessary to ensure these energy savings are preserved (0.8 quads). The additional energy savings (0.2 quads) are attributable to DPPPs that were manufactured prior to the DPPP energy conservation standards compliance date (*i.e.* July 19, 2021) that are repaired with replacement motors sold in or after 2021, and by an increase of shipments of compliant pool pumps (incorporating DPPP motors).

This energy savings estimate assumes all consumers would select replacement motors that are as efficient as motors sold in compliant pool pumps (*i.e.,* compliant with the standards at 10 CFR 431.465(f)) and certified to UL 1004–10:2019. If consumers select replacement motors that are not as efficient as motors sold in compliant pool pumps and are not certified to UL 1004–10:2019, then the energy savings would be less than estimated in this analysis. The calculations for the energy savings estimates are provided in a spreadsheet published in the rulemaking docket.

DOE has also tentatively determined that the proposed amendments would not be unduly burdensome for manufacturers to conduct. DOE's analysis of this proposal indicates that, if finalized, it would result in a net cost to manufacturers, as provided in Table IV.1 and IV.2 of this NOPR.

TABLE IV.1—SUMMARY OF TOTAL COST IMPACTS FOR DPPP MOTORS USING A 10-YEAR TIME HORIZON DISCOUNTED TO 2020

[Thousands 2019$]

Category	Present value costs *(3 percent)*	Present value costs *(7 percent)*
One-time labeling costs	49	47
Reporting and marketing costs	23	19
Total Net Cost Impacts *	71	66

* Values may not sum exactly due to rounding.

TABLE IV.2—SUMMARY OF ANNUALIZED COST IMPACTS FOR DPPP MOTORS USING A 10-YEAR TIME HORIZON DISCOUNTED TO 2020

[thousands 2019$]

Category	Annualized costs *(3 percent)*	Annualized costs *(7 percent)*
One-time labeling costs	5.7	6.7
Reporting and marketing costs	2.7	2.7
Total Net Annualized Cost Impacts*	8.4	9.3

* Values may not sum exactly due to rounding.

As discussed in the prior sections, as required under EPCA DOE has tentatively determined that (1) the proposed labeling requirement is technologically and economically feasible with respect to any particular equipment class; (2) significant energy savings will likely result from such labeling; and (3) labeling in accordance with section 6315 is likely to assist consumers in making purchasing decisions. (42 U.S.C. 6315(h))

B. Review Under Executive Orders 13771 and 13777

On January 30, 2017, the President issued E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' See 82 FR 9339 (Feb. 3, 2017). E.O. 13771 stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. E.O. 13771 stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations.

Additionally, on February 24, 2017, the President issued E.O. 13777, ''Enforcing the Regulatory Reform Agenda.'' 82 FR 12285 (March 1, 2017). E.O. 13777 required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, E.O. 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

(iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(v) Are inconsistent with the requirements of the Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

DOE initially concludes that this rulemaking is consistent with the directives set forth in these executive orders. This proposed rule is estimated to result in a net cost, yielding annualized costs of approximately $4,300 using a perpetual time horizon discounted to 2016 at a 7 percent discount rate. This is the annualized cost in 2016$, discounted to 2016, for the E.O. 13771 purpose of comparing rules' costs across years, and is not to be confused with the annualized values reported in section IV.A above, which are for the E.O. 12866 purpose of benefit-cost analysis. Therefore, if finalized as proposed, this rule is expected to be an E.O. 13771 regulatory action.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's website: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed this proposed rule to establish a test procedure and a labeling requirement for DPPP motors under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE uses the Small Business Administration's (SBA) small business size standards to determine whether manufacturers qualify as small businesses, which are listed by the North American Industry Classification System (NAICS). The SBA considers a business entity to be a small business, if, together with its affiliates, it employs less than a threshold number of workers specified in 13 CFR part 121. The 2017 NAICS code for DPPP motors is 335312, motor and generator manufacturing. The threshold number for NAICS code 335312 is 1,250 employees.[36] This employee threshold includes all employees in a business's parent company and any other subsidiaries.

DOE identified five DPPP motor manufacturers that sell DPPP motors in the United States. Among these, DOE determined that four of these DPPP motor manufacturers each have more than 1,250 total employees and therefore do not met SBA's definition of a ''small business.'' DOE determined that one DPPP motor manufacturer has fewer than 1,250 total employees and potentially meets SBA's definition of a ''small business.''

DOE estimates that this one potential small business would incur costs associated with a label redesign, which includes the development of a new label layout by an internal resource, production of test samples, an internal committee meeting to approve final designs, and implementation across the assembly lines. DOE estimates the one-time manufacturer conversion costs

[36] *https://www.sba.gov/document/support-table-size-standards.* Last accessed on 6/1/2020.

associated with the proposed label redesign to be $10,000 for this one potential small business.

In addition to this one-time cost, the one potential small business would incur a burden to include the full load energy efficiency of the DPPP motor on all equipment catalogs and marketing materials prior to the compliance year and for all years new DPPP motors are introduced into the market. DOE estimates that this one potential small business would spend approximately four additional hours to include this value on all equipment catalogs and marketing materials for all DPPP motor models introduced each year. DOE used data from the Bureau of Labor Statistics to estimate the hourly fully- burdened labor rate of $44.57 for an employee responsible for updating these equipment catalogs and marketing materials.[37] Therefore, DOE estimates that the total cost for this one potential small business to comply with this proposed energy efficiency disclosure requirement is $178.

Lastly, the one potential small business would incur an additional burden to report to DOE all subject DPPP motor models (reported according to the manufacturer's model number) in current production, regardless of whether the motor is certified to UL 1004–10:2019, the full load efficiency as represented on the nameplate, and if a DPPP motor is certified to UL 1004–10:2019, the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification. The same additional burden to report to DOE would be applicable for all years new DPPP motors are introduced into the market. DOE estimates that this one potential small business would spend approximately eight hours to complete this report to DOE. DOE again used $44.57 as the hourly fully-burdened labor rate for an employee to perform this task. Therefore, DOE estimates that the total cost for this potential small business to comply with this proposed reporting requirement is $357.

[37] The fully-burdened labor rate is in 2019$. DOE used the Bureau of Labor Statistics mean hourly wage rate of $34.41 for a Market Research Analysts and Marketing Specialists, May 2019—*https://www.bls.gov/oes/current/oes131161.htm.* Last accessed 6/1/2020.

Additionally, DOE used data from the American Survey of Manufacturers to calculate that wages represent 77.2 percent of total employer compensation, based on the 2015 and 2016 annual payroll and total fringe benefits data. *https://www.census.gov/data/tables/2016/econ/asm/2016-asm.html.* Last accessed 6/1/2020.

Therefore, DOE used an hourly fully-burdened labor rate of $44.57 = $34.41/0.772.

DOE estimates that the remainder of this proposal would be unlikely to cause any DPPP motor manufacturer, including this potential small business DOE identified, to incur any additional costs. Therefore, DOE estimates that total cost incurred by this one potential small business in any one year would be approximately $10,535 due to the proposed requirements in this NOPR. DOE estimates the annual revenue of this one potential small business is approximately $35 million. These costs represent significantly less than one percent of the small business's annual revenue. Consequently, on the basis of this information, DOE initially concludes that this proposal would not have a significant economic impact on this one potential small business.

Therefore, DOE certifies that the impacts of the proposed nameplate labeling requirement, energy efficiency disclosure requirement, and reporting requirement in this NOPR would not have a ''significant economic impact on a substantial number of small entities,'' and that the preparation of an IRFA is not warranted. DOE will transmit the certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

DOE seeks comment on its initial conclusion regarding the existence of only one small business (*i.e.,* one with fewer than 1,250 total employees) that manufactures DPPP motors in the United States. Additionally, DOE seeks comment on its initial conclusion that this proposal would not have a significant economic impact on this one small business.

D. Review Under the Paperwork Reduction Act of 1995

Under the procedures established by the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. This proposed labeling rule would require manufacturers of DPPP motors subject to the proposed requirements to provide a label on the subject DPPP motor, disclose the full load energy efficiency in catalogs and marketing materials, report to DOE the manufacturer's model numbers of such DPPP motors that they manufacturer and whether the motor is certified to UL 1004–10:2019, report to DOE the full load efficiency as represented on the nameplate, and if a DPPP motor is certified to UL 1004–10:2019, the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification. The collection-of-information requirement as proposed is subject to review and approval by OMB under the PRA.

In accordance with the PRA, DOE is requesting OMB approval for the new information collection to require the labeling and reporting of DPPP motors.

1. Description of the Requirements

In this NOPR, DOE is proposing to require manufacturers of DPPP motors: Label such motors with the full load efficiency of the motor as determined pursuant to the specified DOE test procedure and the following statement, for DPPP motors that are certified to UL 1004–10:2019: ''Certified to UL 1004–10:2019;'' disclose the full load energy efficiency in marketing materials; report to DOE the manufacturer's model number of equipment subject to the DPPP motor requirements and whether the motor is certified to UL 1004–10:2019; and report to DOE the full load efficiency as represented on the nameplate, and if a DPPP motor is certified to UL 1004–10:2019, the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification.

2. Information Collection Request Title

Labeling, Disclosure, and Reporting Requirement for Dedicated-Purpose Pool Pump Motors.

3. Type of Request

This is a new collection.

4. Purpose

The collection-of-information requirement for the labeling, disclosure, and reporting proposal is subject to review and approval by OMB under the PRA. If the proposed rule is made final, DOE proposes that not later than 60 days after the compliance date (*i.e.,* 12 months following the final rule, if a final rule were issued), each manufacturer of a DPPP motor subject to the labeling requirement would be required to notify DOE of the models in current production (according to the manufacturer's model number) to which the rule applies and report the subject representations made on the DPPP motor nameplates. (42 U.S.C. 6316(a); 42 U.S.C. 6296(b)(1)(A); 42 U.S.C. 6296(d)) Not later than 12 months after the date a final rule is published, manufacturers would be required to include on a label for DPPP motors subject to the final rule the full load efficiency and disclose the full load efficiency in any catalogs and other marketing materials. Further, as

required by EPCA, prior to the commencement of production of models subsequently produced to which the rule applies and for which the manufacturer's model number has not previously been reported, manufacturers would be required to report such models (according to the manufacturer's model numbers of those models and the subject representations made on the DPPP motor nameplates) to DOE. (42 U.S.C. 6316(a); 42 U.S.C. 6296(b)(1)(B); 42 U.S.C. 6296(d))

Manufacturers are not likely to require any significant capital costs to comply with the amendments. Manufacturers are already affixing a nameplate to the DPPP motors that are the subject of this proposed requirement in accordance with industry standards. DOE also estimates that the manufacturers already maintain records regarding the DPPP motors manufactured, including the associated manufacturer's number, as part of their standard business practice. In addition, manufacturers currently maintain the specifications of motors as part of their testing of models pursuant to the industry standards. Finally, DOE notes that the UL certification program requires manufacturers to retain records necessary to demonstrate compliance with the UL certification/mark program. If the proposal were made final, manufacturers would be required to maintain records subject to 10 CFR 429.71, which requires that the records shall be retained by the manufacturer for a period of two years from the date that the manufacturer or third party submitter has notified DOE that the model has been discontinued in commerce. 10 CFR 429.71(c). The records retention period would provide that documentation necessary to demonstrate compliance is maintained by manufacturers while equipment is available on the market. DOE expects that manufacturers would be able to rely on their current systems of record retention for the proposed requirements, if finalized. Accordingly, the proposal in this NOPR would not result in an increase in manufacturer burden with regard to record retention.[38]

One-Time Burden Hours—Labeling:

(1) *Estimated Number of Respondents:* Five.

(2) *Estimated Number of Total Responses:* DOE estimates that it will cost manufacturers approximately $10,000 per manufacturer to redesign the nameplates currently affixed to DPPP motors to provide the information that would be required under this proposed rule. According, DOE estimates the one-time labeling burden will be $50,000 (5 manufacturers × $10,000).

(3) *One-Time Labeling Cost Burden:* $50,000 ($10,000 per manufacturer).

Annual Burden Hours—Marketing Material Disclosures:

(1) *Annual Estimated Number of Respondents:* Five.

(2) *Annual Estimated Number of Total Responses:* DOE estimates that the DPPP motor manufacturers each require approximately 4 hours annually to update catalogs and marketing materials to incorporate the full load efficiency values. Thus, the total annual disclosure burden to update catalogs and marketing materials for DPPP motors covered by the proposed rule is 20 hours annually (5 manufacturers × 4 hours).

(3) *Annual Marketing Material Disclosure Cost Burden:* $891 ($44.57 per hour).

Annual Burden Hours—Reporting:

(1) *Annual Estimated Number of Respondents:* Five.

(2) *Annual Estimated Number of Total Responses:* Five (One report per manufacturer).

(3) *Annual Estimated Number of Burden Hours:* DOE estimates that the DPPP motor manufacturers each require approximately 8 hours annually to report to DOE the subject DPPP motor models either in current production or subsequently produced, an indication whether the motor is certified to UL 1004–10:2019, the full load efficiency as represented on the nameplate, and if a DPPP motor is certified to UL 1004–10:2019, the total horsepower and speed configuration of the motor as provided on the nameplate pursuant to the UL 1004–10:2019 certification. Thus, the total annual disclosure burden to report these models to DOE for DPPP motors covered by the proposed rule is 40 hours annually (5 manufacturers × 8 hours).

(4) *Annual Estimated Reporting Cost Burden:* $1,783 ($44. 57 per hour).

Thus, the estimated one-time burden attributable to the proposed rule is $450,000 for labeling (5 manufacturers × $10,000). Additionally, the estimated annual burden attributable to the proposed rule is 60 hours for marketing and reporting requirements (4 hours for marketing materials × 5 manufacturers plus 8 hours for reporting × 5 manufacturers). The annual burden cost is approximately $2,674 (60 hours × $44.57).

DOE requests comment on its estimates of the total annual hour and cost burdens resulting from collection of information requirement for the labeling, disclosure, and reporting proposal.

Please submit any comments to DOE according to the instructions provided under the **DATES** and **ADDRESSES** sections of this document.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

E. Review Under the National Environmental Policy Act of 1969

DOE is analyzing this proposed regulation in accordance with the National Environmental Policy Act of 1969 (NEPA) and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion for rulemakings interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. 10 CFR part 1021, subpart D, Appendix A5. DOE anticipates that this rulemaking qualifies for categorical exclusion A5 because it is an interpretive rulemaking that does not change the environmental effect of the rule and otherwise meets the requirements for application of a categorical exclusion. See 10 CFR 1021.410. DOE will complete its NEPA review before issuing the final rule. In this proposed rule, DOE proposes a test procedure for dedicated-purpose pool pump motors. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, DOE has determined that adopting test procedures for measuring energy efficiency of consumer products and industrial equipment is consistent with activities identified in 10 CFR part 1021, Appendix A to Subpart D, A5 and A6. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

F. Review Under Executive Order 13132, ''Federalism''

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory

[38] UL Mark Surveillance Requirements. *https://legacy-uploads.ul.com/wp-content/uploads/2014/04/ul_surveillance_requirements.pdf*

authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

G. Review Under Executive Order 12988, ''Civil Justice Reform''

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met, or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this proposed rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

I. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

J. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

K. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

L. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

The proposed regulatory action to establish a labeling requirement for DPPP motors would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

M. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

The proposed labeling requirement for DPPP motors would require that the nameplate disclose the energy efficiency of a DPPP motor as determined by the proposed test procedure and that the equipment catalog and other marketing materials also include the energy efficiency of the DPPP motor. In addition, the proposed labeling requirement for DPPP motors would require a statement regarding certification to the commercial standard UL 1004–10:2019. DOE has evaluated this standard and is unable to conclude whether it fully complies with the requirements of section 32(b) of the FEAA (*i.e.,* whether it was developed in a manner that fully provides for public participation, comment, and review.) DOE will consult with both the Attorney General and the Chairman of the FTC concerning the impact of these test procedures on competition, prior to prescribing a final rule.

N. Description of Materials Incorporated by Reference

In this NOPR, DOE proposes to incorporate by reference the test standard published by CSA, titled, Energy Efficiency Test Methods for Small Motors, CSA C747–09 (reaffirmed in 2014). CSA C747–09 is an industry-accepted test procedure that measures the energy efficiency of certain motors, and is applicable to pool pump motors in scope sold in North America. The test procedure proposed in this NOPR references various sections of CSA C747–09 that address test setup, instrumentation, test conduct, and calculations. CSA C747–09 is readily available at CSA's website at *https://webstore.ansi.org/standards/csa/csac74709.*

In this NOPR, DOE also proposes to incorporate by reference the standard published by UL, titled, Outline of Investigation for Pool Pump Motors, UL 1004–10:2019. UL 1004–10:2019 establishes definitions and marking requirements for certain pool pump motors and describes methods to verify the information conveyed by those required markings. The labeling requirements proposed in this NOPR are based on UL 1004–10 in accordance with the recommendations from the Joint Petitioners. UL 1004–10 is readily available at UL's website at *https://www.shopulstandards.com/ProductDetail.aspx?UniqueKey=36019.*

V. Public Participation

A. Participation in the Webinar

The time and date of the webinar are listed in the **DATES** section at the beginning of this document. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's website: *https://www1.eere.energy.gov/buildings/appliance_standards/standards.aspx?productid=67.* If you plan to attend the webinar, please notify the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *Appliance_Standards_Public_Meetings@ee.doe.gov.* Participants are responsible for ensuring their systems are compatible with the webinar software.

Additionally, you may request an in-person meeting to be held prior to the close of the request period provided in the **DATES** section of this document. Requests for an in-person meeting may be made by contacting Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *Appliance_Standards_Public_Meetings@ee.doe.gov.*

Please note that foreign nationals participating in the public meeting are subject to advance security screening procedures which require advance notice prior to attendance at the public meeting. If a foreign national wishes to participate in the public meeting, please inform DOE of this fact as soon as possible by contacting Ms. Regina Washington at (202) 586–1214 or by email: *Regina.Washington@ee.doe.gov* so that the necessary procedures can be completed.

B. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this proposed rule.

Submitting comments via http://www.regulations.gov. The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or postal mail. Comments and documents submitted via email, hand delivery/courier, or postal mail also will be posted to *http://www.regulations.gov.* If you do not want

your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via postal mail or hand delivery/courier, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

C. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

(1) DOE requests comments on its proposal to establish a test procedure and labeling requirement for DPPP motors with a total horsepower of less than or equal to 5 THP, with the exception of: Polyphase motors capable of operating without a drive and distributed in commerce without a drive that converts single-phase power to polyphase power; waterfall pump motors; rigid electric spa pump motors; storable electric spa pump motors; integral cartridge-filter pool pump motors; and integral sand-filter pool pump motors.

(2) DOE requests comment on its proposal to incorporate by reference the definitions included in UL 1004–10:2019.

(3) DOE requests comment on the proposed use of the term ''manufacturer's model number'' as defined at 10 CFR 431.2 for the purpose of reporting.

(4) DOE requests comments on its proposal to incorporate by reference CSA C747–09 as the prescribed test method for evaluating the energy efficiency of DPPP motors.

(5) DOE requests comments on its proposal to use full load efficiency as the energy efficiency metric for pool pump motors.

(6) DOE seeks comment on the proposed requirement for DPPP motor manufacturers to label each DPPP motor with its measured energy efficiency on the motor's nameplate and to include that same information in marketing materials and catalogs, in addition to a statement indicating certification to UL 1004–10:2019, if applicable. Further, DOE seeks comment on whether this requirement is technologically and economically feasible, likely to result in significant energy savings, and likely to assist consumers in making purchasing decisions.

(7) DOE seeks data from manufacturers (and any other interested parties) regarding the cost of implementing the proposed labeling requirement.

(8) DOE also seeks comment on the degree to which the proposed labeling requirement should consider and be harmonized further with UL 1004–10:2019 or other relevant industry standards for DPPP motors, and whether any changes to the proposed Federal labeling requirement would provide additional benefits to the public. DOE also requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate labeling requirements, without modification.

(9) DOE also requests comment on the proposal not to require that the statement ''Certified to UL 1004–10:2019'' be included in catalogs that sell a DPPP motor that are certified to UL 1004–10:2019, and not to require manufacturers to submit a certification report to DOE regarding a motor's compliance with UL 1004–10:2019, if applicable.

(10) DOE requests comment on the tentative conclusion that there are no impacts and associated costs of incorporating by reference UL 1004–10:2019.

(11) DOE requests comment on the tentative conclusion that there are no impacts and associated costs of incorporating by reference CSA C747–09 as the test procedure for DPPP motors.

(12) DOE seeks comment on its understanding of the estimated impact and associated costs to DPPP motor manufacturers from the proposed nameplate labeling requirement.

(13) DOE seeks comment on its understanding of the estimated impact and associated costs to DPPP motor manufacturers due to the proposed equipment catalog and marketing material updates.

(14) DOE seeks comment on its understanding of the estimated impact and associated costs to DPPP motor manufacturers due to the proposed reporting requirement.

(15) DOE seeks comment on its initial conclusion regarding the existence of only one small business (*i.e.* one with fewer than 1,250 total employees) that manufactures DPPP motors in the United States. Additionally, DOE seeks comment on its initial conclusion that this proposal would not have a significant economic impact on this one small business.

(16) DOE requests comment on its estimates of the total annual hour and cost burdens resulting from collection of information requirement for the labeling, disclosure, and reporting proposal.

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this proposed rule.

List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation test procedures, Incorporation by reference, Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on August 28, 2020, by Daniel R Simmons, Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on August 28, 2020.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

For the reasons stated in the preamble, DOE is proposing to amend part 431 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317; 28 U.S.C. 2461 note.

■ 2. Section 431.11 is amended by adding a sentence at the end of the section.

§ 431.11 Purpose and scope.

* * * This subpart does not cover electric motors that are 'dedicated-purpose pool pump motors,' which are addressed in subpart Z of this part.

■ 3. Section 431.441 is amended by adding a sentence at the end of the section.

§ 431.441 Purpose and scope.

* * * This subpart does not cover electric motors that are 'dedicated-purpose pool pump motors,' which are addressed in subpart Z of this part.

■ 4. Add subpart Z, consisting of §§ 431.481 through 431.486, to read as follows:

Subpart Z—Dedicated-Purpose Pool Pump Motors

Sec.
431.481 Purpose and scope.
431.482 Materials incorporated by reference.
431.483 Definitions.
431.484 Test procedure.
431.485 Labeling and representation requirement.
431.486 Reporting requirement.

§ 431.481 Purpose and scope.

(a) *Purpose.* This subpart contains definitions, test procedures, labeling, and reporting requirements for electric motors that are dedicated-purpose pool pump motors, pursuant to Part A–1 of Title III of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6311–6317. It also identifies materials incorporated by reference in this part. This subpart does not cover other ''electric motors,'' which are addressed in subpart B of this part, nor does it cover ''small electric motors,'' which are addressed in subpart X of this part.

(b) *Scope.* The requirements of this subpart apply to dedicated-purpose pool pump motors, as specified in paragraphs 1.2, 1.3 and 1.4 of UL 1004–10:2019 (incorporated by reference, see § 431.482).

§ 431.482 Materials incorporated by reference.

(a) *General.* We incorporate by reference the following standards into subpart Z of part 431. The material listed has been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Any subsequent amendment to a standard by the standard-setting organization will not affect the DOE definitions, test procedures, or labeling requirements prescribed under subpart Z unless and until DOE amends its definitions, test procedures, or labeling requirements for the equipment addressed by this subpart. DOE incorporates the material as it exists on the date of the approval and a notification of any change in the material will be published in the **Federal Register**. Standards can be obtained from the sources below. All approved material is available for inspection at U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Sixth Floor, 950 L'Enfant Plaza SW, Washington, DC 20024, (202) 586–2945, or go to *http://www1.eere.energy.gov/buildings/appliance_standards.* It is also available at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fedreg.legal@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) *CSA.* Canadian Standards Association, Sales Department, 5060 Spectrum Way, Suite 100, Mississauga, Ontario, L4W 5N6, Canada, 1–800–463–6727, or *http://www.shopcsa.ca/*

(1) CSA C747–09 (R2014) (''CSA C747–09''), ''Energy efficiency test method for small motors'' (October 2009); IBR approved for § 431.484.

(2) [Reserved]

(c) *UL.* Underwriters Laboratories, 333 Pfingsten Road, Northbrook, IL 60062, or go to *https://www.ul.com.*

(1) UL 1004–10:2019, ''Outline of Investigation for Pool pump motors'' (July 2019); IBR approved for §§ 431.481, and 431.483 .

(2) [Reserved]

§ 431.483 Definitions.

The definitions applicable to this subpart are defined in UL 1004–10:2019 (incorporated by reference, see § 431.482).

§ 431.484 Test procedures.

(a) *Scope.* Pursuant to section 343(a) of EPCA, this section provides the test procedures for measuring the efficiency of dedicated-purpose pool pump motors. (42 U.S.C. 6314) For purposes of part 431 and EPCA, the test procedures for measuring the efficiency of dedicated-purpose pool pump motors shall be the test procedure specified in paragraph (b) of this section.

(b) *Testing and Calculations.* Beginning [Date that is 180 days following publication of a final rule] determine the full load efficiency of each dedicated-purpose pool pump motor model by using CSA C747–09 (incorporated by reference, see § 431.482).

§ 431.485 Labeling and Representation requirement.

(a) *Electric motor nameplate*—(1) *Required information.* Beginning [Date that is 12 months following publication of a final rule] the permanent nameplate of a dedicated-purpose pool pump motor must be marked clearly with the following information:

(i) The full load efficiency of the motor model as determined pursuant to the test procedure prescribed under § 431.484(b); and

(ii) For those motors that are certified to UL 1004–10:219, the following statement: ''Certified to UL 1004–10:2019''.

(2) *Display of required information.* All orientation, spacing, type sizes, type faces, and line widths to display this required information shall be the same as or similar to the display of the other performance data on the motor's permanent nameplate.

(b) *Disclosure of efficiency information in marketing materials.*

Beginning [DATE 12 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**] the energy efficiency information of the dedicated-purpose pool pump motor that appears on its nameplate, shall be prominently displayed:

(1) On each page of catalogs that list the motor as an offering for sale by the motor's manufacturer; and

(2) In all other materials used to market the motor.

(c) *Representations.* Representations of full load efficiency on the nameplate of a motor and in marketing materials must be based on the testing as prescribed under § 431.484(b) of a minimum of one dedicated-purpose pool pump motor that is manufactured by the same manufacturer, has the same total horsepower, has electrical characteristics that are essentially identical, and does not have any differing physical or functional characteristics regarding the operating speed. If the representation is based on a single test, any represented value of full load efficiency must be less than or equal to the measured full load efficiency of the tested unit. If the representation is based on more than one test, any represented value of full load efficiency must be less than or equal to the lower of:

(1) The mean of the sample X which is defined by

$$\overline{X} = \frac{1}{n}\sum_{i=1}^{n} X_i$$

where X_i is the measured full load efficiency of unit i and n is the number of units tested; or,

(2) The lower 95 percent confidence limit (LCL) of the true mean divided by 0.95,

where:

$$LCL = \overline{X} - t_{0.95}\left(\frac{s}{\sqrt{n}}\right)$$

And X is the sample mean, s is the sample standard deviation; n is the number of samples; and $t_{0.95}$ is the t statistic for a 95 percent one-tailed confidence interval with n–1 degrees of freedom (from appendix A to subpart B of part 429 of this chapter).

§ 431.486 Reporting requirement.

(a) *Submission of notification prior to compliance date.* On or after DATE 12 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER** and prior to [DATE 14 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**] each manufacturer (other than an importer) of a dedicated-purpose pool pump motor subject to the labeling requirement at § 431.485 must submit a notification report for all such dedicated-purpose pool pump motors in production as of [DATE 14 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **Federal Register**]. The notification report must comply with the requirements in paragraph (c) of this section and be submitted in accordance with paragraph (e) of this section.

(b) *Submission of notification report on and after the compliance date.* For a dedicated-purpose pool pump motor subject to the labeling requirement at § 431.485 produced after [DATE 14 MONTHS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE **FEDERAL REGISTER**] for which the manufacturer's model number has not previously been reported, a manufacturer must submit a notification report. The notification report must comply with the requirements in paragraph (c) of this section and be submitted in accordance with paragraph (e) of this section prior to commencement of production of such dedicated-purpose pool pump motor. Any date prior to distribution in commerce for sale will be deemed prior to production.

(c) *Notification report.* A notification report must contain the following information:

(1) The manufacturer's name and address;

(2) The manufacturer's model number(s) of the dedicated-purpose pool pump motor(s) subject to the labeling requirement at § 431.485;

(3) For each reported model number:

(i) Whether the motor model is certified to UL 1004–10:2019;

(ii) The full load efficiency of the motor model as determined pursuant to the test procedure prescribed under § 431.484(b), and

(iii) If the motor model is certified to UL 1004–10:2019, the total horsepower and speed configuration of the motor as represented on the nameplate pursuant to the UL 1004–10:2019 certification;

(4) The date, the name of the company official signing the statement, and his or her signature, title, address, telephone number, and email address; and

(5) The following compliance statement, ''All information reported in the report is true, accurate, and complete. The manufacturer is aware of the penalties associated with violations of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6291–6317), the regulations thereunder, and 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government.''

(d) *Third party submitters.* A manufacturer may elect to use a third party to submit the notification report to DOE (for example, a trade association, independent test lab, or other authorized representative, including a private labeler acting as a third party submitter on behalf of a manufacturer); however, the manufacturer is responsible for submission of the notification report to DOE. The third party submitter must complete the compliance statement as part of the notification report. Each manufacturer using a third party submitter must have an authorization form on file with DOE. The authorization form includes the compliance statement as specified in paragraph (c)(4) of this section, specifies the third party authorized to submit notification reports on the manufacturer's behalf, and provides the contact information and signature of a company official of the manufacturer.

(e) *Method of submission.* Reports required by this section must be submitted to DOE electronically at *http://www.regulations.doe.gov/ccms* (CCMS). A manufacturer or third party submitter can find reporting templates for DPPP motors online at *https://www.regulations.doe.gov/ccms/templates.html.* Manufacturers and third party submitters must submit a registration form, signed by an officer of the company, in order to obtain access to CCMS.

[FR Doc. 2020–19407 Filed 10–2–20; 8:45 am]

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Part III

Department of Homeland Security

Coast Guard

46 CFR Parts 121, 160, 169, et al.

Survival Craft Equipment—Update to Type Approval Requirements; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 121, 160, 169, 184 and 199

[Docket No. USCG–2020–0107]

RIN 1625–AC51

Survival Craft Equipment—Update to Type Approval Requirements

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to update the type approval requirements for certain types of equipment that survival craft are required to carry on U.S.-flagged vessels. The proposed rule is deregulatory and would remove Coast Guard type approval requirements for nine of these types of survival craft equipment and replace them with the requirement that the manufacturer self-certify that the equipment complies with a consensus standard.

DATES: Comments and related material must be received by the Coast Guard on or before December 4, 2020. Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before December 4, 2020.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0107 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

Collection of information. Submit comments on the collection of information discussed in section VII.D. of this preamble both to the Coast Guard's online docket and to the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget using one of the following two methods:

- *Email: dhsdeskofficer@omb.eop.gov.*
- *Mail:* OIRA, 725 17th Street NW, Washington, DC 20503, attention Desk Officer for the Coast Guard.

Viewing material proposed for incorporation by reference. Make arrangements to view this material by calling the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email LT Brock Hashimoto, Lifesaving & Fire Safety Division (CG–ENG–4), Coast Guard; telephone 202–372–1426, email *Brock.J.Hashimoto@uscg.mil.*

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned in this proposed rule, and all public comments, will be available in our online docket at *https://www.regulations.gov,* and can be viewed by following that website's instructions. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted or if a final rule is published.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, *see* DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We do not plan to hold a public meeting, but we will consider doing so if public comments indicate that a meeting would be helpful. We would issue a separate **Federal Register** (FR) notification to announce the date, time, and location of such a meeting.

II. Abbreviations

ASTM American Society for Testing and Materials
BLS U.S. Bureau of Labor Statistics
CFR Code of Federal Regulations
COA Certificate of approval
DHS Department of Homeland Security
ECEC U.S. Bureau of Labor Statistics Employer Costs for Employee Compensation
FR Federal Register
CG MIX U.S. Coast Guard Maritime Information Exchange
IBA Inflatable buoyant apparatus
IBR Incorporation by reference
ICR Information collection request
IEC International Electrotechnical Commission
IMO International Maritime Organization
ISO International Organization for Standardization
LSA Code Life-Saving Appliances Code
MISLE Marine Information for Safety and Law Enforcement
NAICS North American Industry Classification System
NPRM Notice of proposed rulemaking
OES U.S. Bureau of Labor Statistics Occupational Employment Statistics
OMB Office of Management and Budget
RA Regulatory Analysis
SOLAS International Convention for the Safety of Life at Sea
§ Section
U.S.C. United States Code
UL Underwriters Laboratories Inc.

III. Basis and Purpose

The legal authority for this proposed rule is found in Title 46 of the United States Code (U.S.C.) sections 2103, 3103, 3306, 3703, 4102, 4302, 4502, 7101, 8101 and the Department of Homeland Security (DHS) Delegation No. 0170.1, para. II, (92)(b). This proposed rule would update the type approval requirements for 12 types of survival craft equipment that survival craft are required to carry on certain, specified U.S.-flagged vessels—bilge pumps, compasses, fire extinguishers, first-aid kits, fishing kits, hatchets, jackknives, knives, signaling mirrors, provisions (food rations), emergency drinking water, and sea anchors—as well as some of the survival craft equipment required for sailing school vessels. For nine of these types of equipment, the proposed rule would replace the Coast Guard type approval requirement with a requirement that the

manufacturer self-certify that the equipment complies with a consensus standard: Bilge pumps, compasses, first-aid kits, fishing kits, hatchets, jackknives, mirrors, sea anchors, and water.

Updating type approval requirements for survival craft equipment reduces the financial burden and amount of time spent by equipment manufacturers, vessel owners and operators, and the Coast Guard on current Coast Guard type approval requirements for survival craft equipment.

IV. Background

Many of the current requirements for survival craft equipment were developed in the 1950s and 1960s and have not been significantly updated since they were published. After thorough review of these requirements, as well as Coast Guard enforcement procedures, current maritime industry practice, and the availability of new consensus standards, we believe that the additional scrutiny provided by Coast Guard type approval does not increase the safety of the following nine types of survival craft equipment: Bilge pumps, compasses, first-aid kits,[1] fishing kits, hatchets, knives (including jackknives), mirrors, sea anchors, and emergency drinking water.

For these types of equipment, the current Coast Guard type approval requirements are outdated and overly prescriptive. This places a burden on the equipment manufacturers, which in turn affects the design costs of complying with the outdated standard, the administrative overhead costs, and the time-to-market costs of manufacturing and selling equipment. It also places a financial burden on the vessel owners and operators who are required to carry this specific approved equipment on board their survival craft. This equipment is frequently more costly and more difficult to obtain than similar products that are not type approved. Finally, it places a burden on the Coast Guard to review and approve this equipment without commensurate increases in safety.

V. Discussion of Proposed Rule

The Coast Guard proposes to amend several approval and carriage requirements in title 46 of the Code of Federal Regulations (CFR). Specifically, we are proposing to remove current approval requirements for first-aid kits in part 121 under subchapter K, part 160 under subchapter Q, and part 184 under subchapter T, and to update those requirements to industry standards. In addition, we propose removing approval requirements for certain survival craft equipment and provisions in part 160 under subchapter Q and in part 169 under subchapter R, and updating those requirements to industry standards. Finally, we are proposing to update the carriage requirements for lifesaving systems on certain inspected vessels in part 199 under subchapter W, by replacing some Coast Guard-specific standards with voluntary consensus standards.

The proposed rule would add a new subpart 160.046 (Emergency Provisions) to part 160 of title 46 of the CFR to consolidate and update applicable standards, including making mandatory several voluntary consensus standards consistent with the National Technology Transfer and Advancement Act of 1995, Public Law 104–113 (codified as a note to 15 U.S.C. 272). This rule would make mandatory three voluntary consensus standards from the International Organization for Standardization (ISO): ISO 18813:2006 ''Ships and marine technology—Survival equipment for survival craft and rescue boats'' (referred to as ISO 18813); ISO 17339:2018 ''Ships and marine technology—Sea anchors for survival craft and rescue boats'' (referred to as ISO 17339); and ISO 25862:2009 ''Ships and marine technology—Marine magnetic compasses, binnacles and azimuth reading devices'' (referred to as ISO 25862).

While the International Maritime Organization (IMO) does specify some standards for survival craft equipment affected by this proposed rule, it does not stipulate that the affected survival craft equipment be approved by the Administration. In some cases (such as first-aid kits and drinking water), the LSA Code references ISO 18813 as an acceptable standard for the equipment to meet, whereas in others (such as fishing tackle), the LSA Code merely requires that the equipment be carried aboard the specified survival craft.

Table 1 provides a list of the 12 types of survival craft equipment that would be affected by this proposed rule, the proposed changes that would be made to the corresponding regulations, and the affected CFR subparts and sections. Table 2 presents the Coast Guard's baseline matrix, which summarizes the proposed changes by CFR subpart and section.

For a detailed explanation of the proposed amendments presented in table 1, see the discussion that follows table 2.

[1] Different first-aid kits are required for different survival craft and this is explained further in this proposed rule.

Table 1: Index of Proposed Equipment Changes and CFR Subparts and Sections Affected		
Equipment	**Proposed Changes**	**Affected CFR Subparts and Sections in Title 46**
Bilge Pump	1. Removes Coast Guard approval requirements. 2. Updates reference in approval requirements for lifeboats and rescue boats. 3. Updates reference in sailing school vessel-required lifeboat equipment. 4. Removes Coast Guard approval requirements and replaces these requirements with ISO 18813 standards.	Subpart 160.044 § 160.135-7(b)(23) § 160.156-7(b)(22) § 169.529(b) § 199.05 § 199.175(b)(2)
Compass	1. Updates reference in sailing school vessel required lifeboat equipment. 2. Removes Coast Guard approval requirements. 3. Removes Coast Guard approval requirements and replaces these requirements with ISO 18813 standards.	§ 169.529(e) § 199.05 § 199.175(b)(6)
Fire Extinguisher	1. Updates ratings.	§ 169.529(h) § 199.175(b)(9)
First-Aid Kit	1. Updates standard incorporated by reference in approval requirements for buoyant apparatus. 2. Removes Coast Guard approval requirements. 3. Updates reference in approval requirements for liferafts. 4. Updates reference in sailing school vessel-required lifeboat equipment. 5. Removes Coast Guard approval requirements and replaces these requirements with ISO 18813 standards.	§ 121.710 § 160.010-3(e)(7)(ii) Subpart 160.041 Subpart 160.054 § 160.151-21(h) § 169.529(i) § 184.710 § 199.05 § 199.175(b)(10)
Fishing Kit	1. Removes Coast Guard approval requirement.	Subpart 160.061 § 160.151-21(q)

	2. Updates reference in approval requirements for liferafts. 3. Updates reference in sailing school vessel required lifeboat equipment. 4. Updates equipment requirements to subchapter W.	§ 169.529(kk) § 199.175(b)(11)
Hatchet	1. Removes Coast Guard approval requirements. 2. Updates reference in sailing school vessel-required lifeboat equipment. 3. Updates equipment requirements to subchapter W.	Subpart 160.013 § 169.529(k) § 199.175(b)(13)
Jackknife	1. Removes Coast Guard approval requirements. 2. Updates reference in approval requirements for liferafts. 3. Updates reference in sailing school vessel required lifeboat equipment. 4. Updates reference in can openers. 5. Removes Coast Guard approval requirements and replaces these requirements with ISO 18813 standards. 6. Updates reference in requirements for knives.	Subpart 160.043 § 160.151-21(b) § 169.529(m) § 199.05 § 199.175(b)(5) § 199.175(b)(16) § 199.175(b)(17)
Knife	1. Updates quantity of knives to be carried to match the LSA Code.	§ 160.010-3(a)(12)(ii) § 160.051-11(b)
Mirror (Signaling/ Signalling)	1. Removes Coast Guard approval requirements. 2. Updates reference in approval requirements for liferafts. 3. Updates reference in sailing school vessel-required lifeboat equipment. 4. Removes Coast Guard approval requirements and replaces these requirements with ISO 18813 standards.	§ 160.151-21(o) § 169.529(u) § 199.05 § 199.175(b)(19)

Provisions/ Food Rations	1. Updates reference in approval requirements for liferafts. 2. Updates reference in sailing school vessel-required lifeboat equipment. 3. Adds new subpart 160.046.	§ 160.151-21(r) § 169.529(aa) § 160.046 § 199.05 § 199.175(b)(22)
Sea Anchor	1. Removes Coast Guard approval requirements. 2. Updates reference in sailing school vessel-required lifeboat equipment. 3. Removes Coast Guard approval requirements and replaces these requirements with ISO 18813 standards.	§ 169.529(d) § 199.05 § 199.175(b)(27)
Water (Drinking/ Emergency)	1. Removes Coast Guard approval requirements. 2. Updates reference in approval requirements for liferafts. 3. Updates reference in sailing school vessel-required lifeboat equipment. 4. Removes Coast Guard approval requirements and replaces these requirements with ISO 18813 standards.	Subpart 160.026 § 160.151-21(s) § 169.529(ii) § 199.05 § 199.175(b)(40)

Table 2: Summary of Proposed Changes by CFR Subpart and Section		
CFR Subpart or Section	**Title**	**Change**
Subchapter K 46 CFR Part 121—Vessel Control and Miscellaneous Systems and Equipment		
§ 121.710	First-aid kits	• Proposes that first-aid kits meet the requirements in § 199.175(b)(10).
Subchapter Q 46 CFR Part 160 — Lifesaving Equipment		
Subpart 160.010	Buoyant Apparatus for Merchant Vessels	• Removes requirements for first-aid kits to be approved by the Commandant under approval series 160.054 and, instead, proposes they meet the requirements in § 160.151-21(h). • Adds regulatory text allowing a knife to be replaced with a jackknife meeting the requirements in § 199.175(b)(16) if the apparatus is permitted to accommodate 13 or more persons.
Subpart 160.013	Hatchets (Lifeboat and Liferaft) for Merchant Vessels [Removed and Reserved]	• Removes all regulatory text and the approval requirements for hatchets.
Subpart 160.026	Water, Emergency Drinking (In Hermetically Sealed Containers), for Merchant Vessels [Removed and Reserved]	• Removes all regulatory text and the approval requirements for emergency drinking water.
Subpart 160.041	Kits, First-Aid, for Merchant Vessels [Removed and Reserved]	• Removes all regulatory text and the approval requirements for first-aid kits.
Subpart 160.043	Jackknife (With Can Opener) for Merchant Vessels [Removed and Reserved]	• Removes all regulatory text and the approval requirements for jackknives.
Subpart 160.044	Pumps, Bilge, Lifeboat, for Merchant Vessels [Removed and Reserved]	• Removes all regulatory text and the approval requirements for bilge pumps.
§ 160.046-1	Scope [Added]	• Adds scope to include that emergency provisions meet IMO recommendations.
§ 160.046-3	Incorporation by reference [Added]	• Modifies incorporation by reference (IBR) to include ISO 18813.
§ 160.046-5	General requirements for emergency provisions [Added]	• Adds general requirements for emergency provisions to meet ISO 18813.

Table 2: Summary of Proposed Changes by CFR Subpart and Section		
CFR Subpart or Section	**Title**	**Change**
§ 160.046-7	Independent laboratory [Added]	• Adds regulatory text regarding independent laboratories.
§ 160.046-9	Manufacturer certification and labeling [Added]	• Adds regulatory text regarding manufacturer certification and labeling.
§ 160.046-11	Manufacturer notification [Added]	• Adds regulatory text regarding manufacturer notification.
§ 160.051-11	Equipment required for Coastal Service inflatable liferafts	• Adds regulatory text allowing a knife to be replaced with a jackknife meeting the requirements in § 199.175(b)(16).
Subpart 160.054	Kits, First-Aid, for Inflatable Liferafts [Removed and Reserved]	• Removes all regulatory text and the approval requirements for first-aid kits for liferafts.
Subpart 160.061	Fishing Tackle Kits, Emergency, for Merchant Vessels [Removed and Reserved]	• Removes all regulatory text and the approval requirements for emergency fishing tackle kits.
Subpart 160.135	Lifeboats	• Removes requirements for bilge pumps to be approved by the Commandant under approval series 160.44 and, instead, proposes they meet the requirements in §199.175(b)(2).
§ 160.151-21(b)	Equipment required for the International Convention for the Safety of Life at Sea (SOLAS) A and SOLAS B inflatable liferafts - Jackknife	• Removes requirements for jackknives to be approved by the Commandant under approval series 160.043 and, instead, proposes they meet the requirements in §199.175(b)(16).
§ 160.151-21(h)	Equipment required for SOLAS A and SOLAS B inflatable liferafts – First-aid kit	• Removes requirements for first-aid kits to be approved by the Commandant under approval series 160.054 and, instead, proposes they meet the requirements in §199.175(b)(10).
§ 160.151-21(o)	Equipment required for SOLAS A and SOLAS B inflatable liferafts – Signalling mirror	• Removes requirements for signaling (signalling) mirrors to be approved by the Commandant under approval series 160.020 and, instead, proposes they meet the requirements in §199.175(b)(19).

Table 2: Summary of Proposed Changes by CFR Subpart and Section		
CFR Subpart or Section	**Title**	**Change**
§ 160.151-21(q)	Equipment required for SOLAS A and SOLAS B inflatable liferafts – Fishing tackle	• Removes requirements for fishing tackle to be approved by the Commandant under approval series 160.046 and, instead, proposes it meets the requirements in §199.175(b)(11).
§ 160.151-21(r)	Equipment required for SOLAS A and SOLAS B inflatable liferafts – Food rations	• Removes requirements for food rations to be approved by the Commandant under approval series 160.046 and, instead, proposes they meet the requirements in §199.175(b)(22).
§ 160.151-21(s)	Equipment required for SOLAS A and SOLAS B inflatable liferafts – Drinking water	• Removes requirements for emergency drinking water to be approved by the Commandant under approval series 160.026 and, instead, proposes it meet the requirements in §199.175(b)(40).
Subpart 160.156	Rescue Boats and Fast Rescue Boats	• Removes requirements for manual bilge pumps to be approved by the Commandant under approval series 160.44 and, instead, proposes they meet the requirements of §199.175(b)(2).
Subchapter R 46 CFR Part 169—Sailing School Vessels		
§ 169.527	Required equipment for lifeboats	• Removes table 169.527, which outlines the equipment requirements for lifeboats on sailing school vessels. • Adds new text stating that, unless otherwise required by § 169.529, lifeboats must meet the equipment requirements in § 199.175.
§ 169.529(a)	Description of lifeboat equipment – Bailer	• Removes requirements for bailers under this section. • Adds new text stating that lifeboats must meet the equipment requirements in § 199.175(b)(1).
§ 169.529(b)	Description of lifeboat equipment – Bilge pump	• Removes requirement for bilge pumps under this section. • Add new text stating that lifeboats must carry additional equipment as required in revised §199.175(b)(1) - (3).
§ 169.529(c)	Description of lifeboat equipment – Boathooks	• Removes requirements for boathooks under this section.
§ 169.529(d)	Description of lifeboat	• Removes requirements for buckets under

Table 2: Summary of Proposed Changes by CFR Subpart and Section		
CFR Subpart or Section	**Title**	**Change**
	equipment – Bucket	this section.
§ 169.529(e)	Description of lifeboat equipment – Compass and mounting	• Removes requirements for compasses under this section.
§ 169.529(f)	Description of lifeboat equipment – Ditty bag	• States that motor propelled lifeboats do not need to carry a ditty bag. • Changes the paragraph designation from § 169.529(f) to § 169.529(b)(1).
§ 169.529(g)	Description of Lifeboat Equipment – Drinking cups	• Removes requirements for drinking cups under this section.
§ 169.529(h)	Description of lifeboat equipment – Fire extinguishers	• Removes requirements for fire extinguishers under this section.
§ 169.529(i)	Description of lifeboat equipment – First-aid kit	• Removes requirements for first-aid kits under this section.
§ 169.529(j)	Description of lifeboat equipment – Flashlights	• Removes requirements for flashlights under this section.
§ 169.529(k)	Description of lifeboat equipment – Hatchets	• Removes requirements for hatchets under this section.
§ 169.529(l)	Description of lifeboat equipment – Heaving line	• Removes requirements for heaving lines under this section.
§ 169.529(m)	Description of lifeboat equipment – Jackknife	• Removes requirements for jackknives under this section.
§ 169.529(n)	Description of lifeboat equipment – Ladder, lifeboat, gunwale	• Removes requirements for lifeboat gunwale ladders under this section.
§ 169.529(o)	Description of lifeboat equipment – Lantern	• Removes requirements for lanterns under this section.
§ 169.529(p)	Description of lifeboat equipment – Lifeline	• Removes requirements for lifelines under this section.
§ 169.529(q)	Description of lifeboat equipment – Life preservers	• Removes requirements for life preservers under this section.
§ 169.529(r)	Description of lifeboat equipment – Locker	• Removes requirements for lockers under this section.
§ 169.529(s)	Description of lifeboat equipment – Mast and sail	• States that motor propelled lifeboats do not need a mast or sails. • Changes the paragraph designation from § 169.529(s) to § 169.529(b)(3).
§ 169.529(t)	Description of lifeboat equipment – Matches	• Removes requirements for matches under this section.
§ 169.529(u)	Description of lifeboat equipment – Mirrors, signaling	• Removes requirements for mirrors under this section.
§ 169.529(v)	Description of lifeboat	• Removes requirements for oars under this section.

Table 2: Summary of Proposed Changes by CFR Subpart and Section		
CFR Subpart or Section	**Title**	**Change**
	equipment –Oars	
§ 169.529(w)	Description of lifeboat equipment – Oil, illuminating	• Removes requirements for illuminating oil under this section.
§ 169.529(x)	Description of lifeboat equipment – Oil, storm	• Removes requirements for storm oil under this section.
§ 169.529(y)	Description of lifeboat equipment – Painter	• Removes requirements for painters under this section.
§ 169.529(z)	Description of lifeboat equipment – Plug	• Removes requirements for plugs under this section.
§ 169.529(aa)	Description of lifeboat equipment – Provisions	• Removes requirements for provisions under this section.
§ 169.529(bb)	Description of lifeboat equipment – Rowlocks	• Removes requirements for rowlocks under this section.
§ 169.529(cc)	Description of lifeboat equipment – Rudder and tiller	• Removes requirements for rudder and tiller under this section.
§ 169.529(dd)	Description of lifeboat equipment – Sea anchor	• Removes requirements for sea anchors under this section.
§ 169.529(ee)	Description of lifeboat equipment –Signals, distress, floating orange smoke	• Removes requirements for floating orange smoke distress signals under this section.
§ 169.529(ff)	Description of lifeboat equipment – Signals, distress, red hand flare	• Removes requirements for red hand flare distress signals under this section.
§ 169.529(gg)	Description of lifeboat equipment – Signals, distress, red parachute flare	• Removes requirements for red parachute flare distress signals under this section.
§ 169.529(hh)	Description of lifeboat equipment – Tool kit	• Removes requirements for tool kits under this section.
§ 169.529(ii)	Description of lifeboat equipment – Water	• Removes requirements for water under this section.
§ 169.529(jj)	Description of lifeboat equipment – Whistle, signaling	• Removes requirements for signaling whistles under this section.
§ 169.529(kk)	Description of lifeboat equipment – Fishing kit	• Removes requirements for fishing kits under this section.
§ 169.529(ll)	Description of lifeboat equipment – Cover, protecting	• States that motor propelled lifeboats do not need a protecting cover. • Changes the paragraph desigantion from § 169.529(ll) to § 169.529(b)(1).
§ 169.529(mm)	Description of lifeboat equipment – Table of lifesaving signals	• Removes requirements for the table of lifesaving signals under this section.

Table 2: Summary of Proposed Changes by CFR Subpart and Section		
CFR Subpart or Section	**Title**	**Change**
Subchapter T 46 CFR Part 184—Vessel Control and Miscellaneous Systems and Equipment		
§ 184.710	First-aid kits	• Modifies requirements for first-aid kits for small passenger vessels such that these vessels must carry either a first-aid kit that meets the requirements of §199.175(b)(10) or a kit with equivalent contents and instructions.
Subchapter W 46 CFR Part 199—Lifesaving Systems for Certain Inspected Vessels		
§ 199.05	Incorporation by Reference	• Adds a new standard, ISO 18813 Ships and Marine Technology – Survival Equipment for Survival Craft and Rescue Boats.
§ 199.175(b)(2)	Survival Craft and Rescue Boat Equipment – Bilge Pump	• Removes requirements for bilge pumps to be approved by the Commandant under approval series 160.044 and, instead, proposes they must meet the requirements in ISO 18813. •
§ 199.175(b)(5)	Survival Craft and Rescue Boat Equipment – Can Opener	• Removes requirements that can openers may be in jackknives approved under approval series 160.043 and, instead, proposes that they may be in jackknives that meet the requirements in §199.175(b)(16).
§ 199.175(b)(6)	Survival Craft and Rescue Boat Equipment – Compass	• Removes requirements for compasses to be approved by the Commandant under approval series 160.014, and, instead, proposes they must meet the requirements in ISO 18813.
§ 199.175(b)(9)	Survival Craft and Rescue Boat Equipment – Fire Extinguisher	• Updates fire extinguisher rating names from B:C, size II to 40-B to match other regulatory text in 46 CFR.
§ 199.175(b)(10)	Survival Craft and Rescue Boat Equipment – First-Aid Kit	• Removes requirements for first-aid kits to be approved by the Commandant under approval series 160.041 and, instead, proposes they must meet the requirements in ISO 18813.
§ 199.175(b)(11)	Survival Craft and Rescue Boat Equipment – Fishing Kit	• Removes requirements for fishing kits to be approved by the Commandant under approval series 160.061 and, instead, proposes they must meet the requirements in ISO 18813.

Table 2: Summary of Proposed Changes by CFR Subpart and Section		
CFR Subpart or Section	**Title**	**Change**
§ 199.175(b)(13)	Survival Craft and Rescue Boat Equipment – Hatchets	• Removes requirements for hatchets to be approved by the Commandant under approval series 160.013, and instead states they should be suitable for cutting a rope towline or painter in an emergency, be at least 14 inches in length, have a cutting edge of approximately 3–1/14 inches in length, and have a lanyard of at least 3 feet.
§ 199.175(b)(16)	Survival Craft and Rescue Boat Equipment – Jackknife	• Removes requirements for jackknives to be approved by the Commandant under approval series 160.043 and, instead, proposes they must meet the requirements in ISO 18813.
§ 199.175(b)(17)	Survival Craft and Rescue Boat Equipment – Knife	• Removes requirements for jackknives, which may be substituted for a second non-folding knife, and, instead, proposes they must meet the requirements in ISO 18813.
§ 199.175(b)(19)	Survival Craft and Rescue Boat Equipment – Mirror	• Removes requirements for signaling mirrors to be approved by the Commandant under approval series 160.020 and, instead, proposes they must meet the requirements in ISO 18813.
§ 199.175(b)(27)	Survival Craft and Rescue Boat Equipment – Sea Anchor	• Removes requirements for sea anchors to be approved by the Commandant under approval series 160.019 and, instead, proposes they meet the requirements of ISO 18813.
§ 199.175(b)(40)	Survival Craft and Rescue Boat Equipment – Water	• Removes requirements for emergency drinking water to be approved by the Commandant under approval series 160.026, and, instead, proposes they meet the requirements in ISO 18813.

Bilge Pump

Lifeboats that are not automatically self-bailing are currently required to carry manual bilge pumps approved by the Coast Guard under 46 CFR part 160, subpart 160.044—Pumps, Bilge, Lifeboat, for Merchant Vessels. This proposed rule would be the first substantive update to the design requirements since 1951. In this proposed rule, the Coast Guard would only require that bilge pumps comply with ISO 18813 paragraph 4.3. The rule would remove requirements for the Coast Guard to issue a Certificate of Approval (COA) and replace it with the requirement for the manufacturer to self-certify that their equipment meets the requirements outlined in ISO 18813. This would reduce the administrative burden for the manufacturers currently required to have a Coast Guard-issued COA for each bilge pump every 5 years. Subpart 160.044 would be removed and reserved, and the new requirements would be listed in § 199.175(b)(2).

The requirements in ISO 18813 and in subpart 160.044 are similar in nature, with three key differences:

(1) The capacity requirements in ISO 18813 differ from those in subpart 160.044. The Coast Guard proposes to incorporate by reference the ISO 18813 capacity standards and remove the current requirements in § 199.175(b)(2). The Coast Guard believes that the pump capacity in the ISO standard is more appropriate, given the current design of modern lifeboats;

(2) Subpart 160.044 requires that the body of the bilge pump be made of bronze, while ISO 18813 allows the bilge pump to be made of any corrosion-resistant material; and

(3) The requirements outlined in ISO 18813 would allow manufacturers more flexibility in the design and construction of bilge pumps. Any Coast Guard-approved bilge pump on board before this proposed rule becomes effective may remain on board if it remains in good and serviceable condition.

Compass

Lifeboats and rescue boats are required to carry a compass approved by the Coast Guard under approval series 160.014. The Coast Guard currently approves compasses using the ''Guidelines for Approval of Magnetic Compasses in Lifeboats/Liferafts,'' issued in December 2005, which states that manufacturers must meet either the ''USCG Specification for Compasses: Magnetic, Liquid Filled, Mariners, Compensating, for lifeboats for Merchant Vessels,'' developed in 1944, or a combination of ISO 613:2000 ''Ships and marine technology—Magnetic compasses, binnacles and azimuth reading devices—Class B'' (referred to as ISO 613) and the International Electrotechnical Commission (IEC)'s standard 60945:2002–08—''Maritime navigation and radio communication equipment and systems—General requirements—Methods of testing and required test results'' (referred to as IEC 60945).

This proposed rule would update the language in § 199.175(b)(6) to state that the compass in a survival craft must comply with ISO 25862 Annex H.

Additionally, this proposed rule would remove the requirement for the Coast Guard to issue a COA and would replace it with the requirement for the manufacturer to self-certify that their equipment meets the requirements outlined in ISO 25862. As a result, the Coast Guard would no longer maintain separate design requirements in this specification.

There would be no substantive change in requirements for the class B magnetic compass because ISO 25862 supersedes and incorporates the requirements in ISO 613. Similarly, the testing requirements for the compasses would remain the same because ISO 25862 references the same testing requirements in IEC 60945 that are currently required for Coast Guard approval. This proposed rule would ensure that the compasses in survival craft would meet the same standard as currently required; however, the move to self-certification would lead to a reduction in paperwork and a reduction in collected information.

Fire Extinguishers

The recent rule, ''Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment'' (81 FR 48219, July 22, 2016), updated the design and approval standards for fire extinguishing equipment by changing the portable fire extinguisher ratings system from a weight-based rating system to the Underwriters Laboratories Inc. (UL) performance-based rating system. Under current survival craft regulations, survival craft are required to carry fire extinguishers based on the old weight-based rating system rather than the performance-based rating system established by the aforementioned Harmonization rule (81 FR 48219). This proposed rule would update the requirements in § 199.175(b)(9) to reflect the change in rating system. As the Coast Guard noted in the Harmonization rule (see 81 FR at 48230), the fire extinguishers approved under the old weight-based system and the new performance-based system cost the same, so there is no cost or cost savings associated with this change.

First-Aid Kit

The Coast Guard intends to change current first-aid kit requirements by: (1) Accepting ISO 18813 as the one uniform Coast Guard-approved standard for first-aid kits; (2) updating and consolidating references to this one standard across multiple different first-aid carriage requirements; and 3) grandfathering in all preexisting first-aid kits that comply with the current Coast Guard standards.[2] Currently, all inspected small passenger vessels, lifeboats, rescue boats, inflatable SOLAS liferafts, and inflatable buoyant apparatuses are required to carry first-aid kits approved by the Coast Guard. There are two different approval series for first-aid kits, with different requirements: series 160.041, Lifeboat First-Aid Kit, for lifeboats, rescue boats, and small passenger vessels; and series 160.054, First-Aid Kit for Inflatable Liferafts, for liferafts. The current requirements for first-aid kits are found in §§ 160.041–4(b) and 160.054–4(b). First-aid kits approved to § 160.041–4(b) are required to carry more packages of certain first-aid items than first-aid kits approved to § 160.054–4(b).[3]

This proposed rule would remove and reserve subparts 160.041 and 160.054 and move the requirements for first-aid kits from subparts 160.041 and 160.054 to § 199.175(b)(10). The rule would require that all first-aid kits, except those grandfathered under the proposed § 199.175(c), meet the requirements set forth in ISO 18813. This standard requires a different set of items and a different number of items in the first-aid kit. For a thorough description of the differences in contents between the first-aid kits in subparts 160.041 and 160.054 and ISO 18813, see table 30 in the regulatory analysis (RA). Finally, this proposed rule would remove the requirement for the Coast Guard to issue a COA and would replace it with a requirement for the manufacturer to self-certify that their equipment meets the requirements of ISO 18813.

The Coast Guard also intends to update the references to the standards for first-aid kits carriage requirements in § 121.710 for subchapter K-inspected small passenger vessels, § 184.710 for subchapter T-inspected small passenger vessels, subpart 160.010 for buoyant apparatuses,[4] and subpart 160.151 for liferafts. This proposed rule would update the referenced first-aid kit requirements to the consolidated requirements listed in § 199.175(b)(10).

In current regulations, the medicine in first-aid kits is required to conform to the latest standards of the *U.S. Pharmacopoeia*.[5] These proposed regulations do not change this requirement and would be outlined in § 199.175(b)(10).[6]

Fishing Kit

Lifeboats and SOLAS A pack liferafts are required to carry a fishing kit and tackle approved by the Coast Guard, as directed in 46 CFR part 160, subpart 160.061. This proposed rule would remove and reserve subpart 160.061 and move the requirements for fishing kits from subpart 160.061 to § 199.175(b)(11). The proposed rule would make two substantive changes to the requirements. First, the Coast Guard would mandate that fishing kits meet the standards set forth in ISO 18813.

[2] The grandfathering provision is proposed by this rulemaking for all nine pieces of equipment. Please see the proposed § 199.175(c).

[3] For the item requirements for first-aid kits in lifeboats and rescue boats, see the following link: *https://www.ecfr.gov/cgi-bin/text-idx?SID=6053d1fa121cb42db8a54803ad6f08ea&mc=true&node=se46.6.160_1041_64&rgn=div8.* For the item requirements for liferafts and buoyant apparatuses, see the following link: *https://www.ecfr.gov/cgi-bin/text-idx?SID=6053d1fa121cb42db8a54803ad6f08ea&mc=true&node=se46.6.160_1054_64&rgn=div8.*

[4] Only required for ''*open reversible liferafts*'' *Annex 11 to IMO Res. MSC.97(73).*

[5] Compendium of drug information for the United States published annually by the United States Pharmacopeial Convention.

[6] This replaces the U.S. requirement for first-aid kits to contain ''Aspirin'' with the ISO requirement for ''Analgesic.''

Second, this proposed rule would remove the requirement for the Coast Guard to issue a COA and replace it with the requirement for the manufacturer to self-certify that their equipment meets the specifications outlined in § 199.175(b)(11).

The requirements in subpart 160.061 were last substantively updated in September 1965 and are very prescriptive (for example, pork bait is no longer commercially available but is a listed requirement in fishing kits). By contrast, ISO 18813 is much less prescriptive, and the Coast Guard does not believe this loss in specificity decreases the usefulness of fishing kits likely to be produced and sold. Instead, this proposed rulemaking would align the Coast Guard requirements for fishing kits with international requirements and would make it easier for fishing kit manufacturers to meet Coast Guard requirements.

Hatchet

All lifeboats are required to carry hatchets approved by the Coast Guard to the specifications found in 46 CFR part 160, subpart 160.013. This proposed rule would remove and reserve subpart 160.013 and move the requirements for hatchets from subpart 160.013 to § 199.175(b)(13). This proposed rule would make two substantive changes to the current requirements. First, it would remove the requirement for the Coast Guard to issue a COA and would replace it with the requirement for the manufacturer to self-certify that their equipment meets the requirements outlined in § 199.175(b)(13). Second, it would remove some of the current testing requirements, because the Coast Guard does not believe they increase safety. Specifically, the requirements found in subpart 160.013 state that the hatchet must comply with the Federal Specification GGG–A–926—Axes, which was cancelled in 1999.[7] The Coast Guard is proposing to retain pertinent requirements from current regulations and remove outdated ones. For example, we would retain the handle, lanyard, and sheath specifications for a hatchet, because these specifications reflect the safety requirements of a hatchet.

Jackknife

All lifeboats and SOLAS liferafts are required to carry a jackknife approved by the Coast Guard, as specified in 46 CFR part 160, subpart 160.043. This proposed rule would remove and reserve subpart 160.043 and move the requirements from subpart 160.043 to § 199.175(b)(16). The proposed rule would make four changes to the current requirements. First, this proposed rule would require that a jackknife must comply with ISO 18813 paragraph 4.19, rather than the existing requirements in subpart 160.043. Second, this proposed rule would update references to the jackknife found in § 199.175. Third, this proposed rule would remove the requirement for the Coast Guard to issue a COA and would replace it with the requirement for the manufacturer to self-certify that their equipment meets the requirements outlined in ISO 18813. Fourth, Table 1 to 199.175—Survival Craft Equipment would be updated so that a jackknife could replace both a can opener and a knife when they are required as specified in § 199.175.

The standards set by ISO 18813 are broader and less specific than those contained in 46 CFR part 160, subpart 160.043, but they would not substantively alter the requirements for the design of jackknives. The proposed standards allow the manufacturer additional options for the materials used in the jackknife. There would also be a reduction in the test requirements. ISO 18813 requires only the cutting test, while subpart 160.043 requires three tests, including the same cutting test. The additional tests required by subpart 160.043—the hardness test and the bending and drop test—do not lead to an increase in safety nor an improvement in equipment quality. The Coast Guard therefore proposes to remove the requirements for these tests.

Knife

Buoyant apparatuses, inflatable liferafts, lifeboats, rigid liferafts, and rescue boats are required to carry a knife. The proposed rule would revise §§ 160.010–3(a)(12)(ii) and 160.051–11(b) to update the quantity of knives to be carried to match the LSA Code and would add regulatory text allowing a knife to be replaced with a jackknife meeting the requirements in § 199.175(b)(16). If the apparatus is permitted to accommodate 13 or more persons, the proposed rule removes requirements for jackknives in § 199.175(b)(17), which may be substituted for a second non-folding knife, and, instead, proposes they must meet the requirements in ISO 18813.

Mirror

All lifeboats and inflatable liferafts are required to carry a signaling mirror approved by the Coast Guard under approval series 160.020, using the ''USCG Specification for Signaling Mirrors for Merchant Vessels'' issued in October 1944. This proposed rule would update § 199.175(b)(19) and make two changes to the current requirements. First, the Coast Guard proposes to change the standard for signaling mirrors to the requirements in ISO 18813 paragraph 4.23. Second, this proposed rule would remove the requirement for the Coast Guard to issue a COA and replace it with the requirement for the manufacturer to self-certify that their equipment meets the requirements outlined in ISO 18813. The requirements in ISO 18813 provide the same safety standards as the 1944 Coast Guard specification, but would allow for more flexibility in meeting the requirements. The 1944 Coast Guard specification requires the mirror to be rectangular; ISO 18813 allows the mirror to be any shape provided the reflective surface meets the minimum area requirements.

Provisions

All lifeboats and SOLAS A pack liferafts are required to carry provisions approved by the Coast Guard under approval series 160.046, using the ''Guidelines for Approval of Emergency Provisions for Lifeboats and Liferafts'' issued in August 1997. This proposed rule would create a new subpart 160.046 that outlines the requirements for emergency provisions that must comply with ISO 18813 paragraph 4.31.

The design and test requirements found in ISO 18813 are the same as those found in the aforementioned Coast Guard guidelines for approval. This proposed rule would formalize those requirements into regulation, while maintaining the current level of safety. Manufacturers would be required to continue to maintain a valid COA under approval number 160.046 and prove compliance with the referenced standards. Unlike the changes regarding the other survival craft equipment described in this proposed rule, there will be no costs or cost savings associated with these provisions as manufacturers will still need a COA under approval number 160.046. The proposed change only formalizes preexisting agency policy, which will lead to no reduction in burden. The Coast Guard is retaining the requirement for a valid COA for provisions because we recognized that provisions is a critical part of lifesaving equipment. We know that manufacturers also produce emergency provisions for other outdoor-related industries.Validating the performance of the provision can only be done by independent laboratory testing rather than by physical inspection. We want to maintain the

[7] Department of Defense Index of Specifications and Standards Numerical Canceled Listing (APPENDIX) Part IV.

current level of quality and nutritional value that is necessary specific to the maritime industry and environment.

Sea Anchor

All lifeboats, rescue boats, and rigid liferafts are required to carry a sea anchor approved by the Coast Guard under approval series 160.019. Inflatable liferafts and buoyant apparatuses are also required to carry sea anchors, but those sea anchors are not required to be Coast Guard-approved. The Coast Guard approves sea anchors using either the ''USCG Specification for Sea Anchors,'' revised in August 1944, or ISO 17339. This proposed rule would update § 199.175(b)(27) and state that the sea anchor must comply with ISO 17339. The Coast Guard also proposes to remove the requirement for the Coast Guard to issue a COA and replace it with the requirement for the manufacturer to self-certify that their equipment meets the requirements outlined in ISO 17339. This proposed rule would result in a reduction in paperwork and information collection and a reduction in the overall administrative burden to the manufacturers of sea anchors from no longer requiring a COA.

Water

All lifeboats and SOLAS A pack liferafts are required to carry emergency drinking water approved by the Coast Guard under approval series 160.026. Subpart 160.026—Water, Emergency Drinking (In Hermetically Sealed Containers), for Merchant Vessels, contains the regulations for Coast Guard approval of emergency drinking water. The last substantive update to subpart 160.026 occurred on September 8, 1965 (30 FR 11466). In November 1981, the Coast Guard issued a policy letter, ''Guidelines for Approval of Emergency Drinking Water for Lifeboats and Liferafts,'' outlining alternative requirements for the approval of emergency drinking water.

This proposed rule would remove and reserve subpart 160.026 and move the requirements for drinking water from subpart 160.026 to § 199.175(b)(40). The proposed rule would make three changes to the current requirements. First, the emergency drinking water would be required to comply with ISO 18813 paragraph 4.46 rather than the existing requirements in subpart 160.026. Second, the rule would remove the requirement for the Coast Guard to issue a COA and replace it with the requirement for the manufacturer to self-certify that their water meets the requirements outlined in ISO 18813. Third, water quality would be required to be verified by the local municipality or an independent laboratory accepted by the Coast Guard.

Current Coast Guard regulations in subpart 160.026 only allow for the use of cans as water receptacles, while ISO 18813 allows for the use of different types of water receptacles. The 1981 Coast Guard Guidelines allow for the use of flexible material in the water receptacle. ISO 18813 and the Coast Guard Guidelines have the same requirements for the flexible material, and there are no changes in the testing requirements between the Coast Guard Guidelines and ISO 18813. Incorporating ISO 18813 would update regulations to allow flexible material for water receptacles in addition to cans, in accordance with 1981 Coast Guard guidelines.

Sailing School Vessels

In addition to the types of equipment discussed above, this proposed rule would also update the survival craft requirements for sailing school vessels found in §§ 169.525 through 169.529. We propose to reference the equipment requirements in § 199.175. This would eliminate the unique requirements for survival craft equipment on sailing school vessels, such as a lantern, matches, illuminating oil, and storm oil.[8] This proposed change would align outdated requirements with the modern standards in § 199.175 that are applicable to other vessels in commercial service. As a result of these proposed changes, equipment manufacturers would be able to manufacture one piece of equipment that is acceptable on all types of U.S.-flagged vessels.

VI. Incorporation by Reference

Material proposed for incorporation by reference is currently listed in § 199.05 and would also be added to the new § 160.046–3. The substance of the individual standards is described in section V. of this preamble, and we have also summarized them in section VII.L. Copies of the material are available to purchase from the publishers at the addresses listed in §§ 160.046–3 and 199.05. Information about purchasing these standards is also available online (via the internet). Before publishing a binding rule, we will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

VII. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. A summary of our analyses based on these statutes or Executive orders follows.

A. Regulatory Planning and Review

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs) directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it. DHS considers this rule to be an Executive Order 13771 deregulatory action.[9] A regulatory analysis (RA) follows.

As discussed in section V of this proposed rule, the Coast Guard would remove the requirement for nine types of survival craft equipment to be approved by the Coast Guard from 46 CFR part 160 in subchapter Q (Equipment, Construction, and Materials: Specifications and Approval) and from § 199.175 (Survival Craft and Rescue Boat Equipment). The requirement for COAs on these nine types of equipment (bilge pumps, compasses, first-aid kits, fishing kits, hatchets, jackknives, mirrors, sea anchors, and water) would be replaced by a self-certification requirement, in order to comply with the LSA Code. For those types of equipment that still require a COA, provisions and fire extinguishers, we do not estimate any

[8] For the full set of requirements being modified and eliminated, refer to table 39 in the RA. None of these changes will result in costs or costs savings, which is explained in table 39.

[9] *See* the OMB Memorandum titled ''Guidance Implementing Executive Order 13771, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (April 5, 2017).

changes in costs or cost savings.[10] Finally, this proposed rule would update the survival craft requirements for sailing school vessels found in §§ 169.525 through 169.529, eliminating the unique requirements for survival craft equipment on sailing school vessels.

Table 3 provides a summary of the affected population, costs, cost savings, and benefits of this proposed rule. The affected population includes the manufacturers of the survival craft equipment and the vessels equipped with survival craft. Additionally, we estimate the potential cost savings to manufacturers by reducing reporting, recordkeeping, and production requirements of this survival craft equipment. We estimate the potential cost savings to vessel owners and operators by the price reductions in survival craft equipment, and we estimate the potential cost savings for the Government for reducing the review necessary for certain equipment. We estimate an annualized cost savings to industry of $335,733 (with a 7-percent discount rate) and an annualized cost savings to Government of $9,142 (with a 7-percent discount rate) for a total annualized cost savings of $344,875. Using a perpetual period of analysis, we estimate the total annualized cost savings of this notice of proposed rulemaking (NPRM) to be $241,000 in 2016 dollars and discounted back to 2016 using a 7-percent discount rate.[11]

[10] Knives are not required to be Coast Guard approved, however they must meet the requirements in the LSA Code. This is an administrative change that will lead to no cost or cost savings.

[11] This analysis assumes the implementation year for this rule would be 2021.

Table 3: Summary of the Affected Population, Costs, Cost Savings, and Benefits	
Category	**Summary**
Applicability	Revises the approval requirements specific to nine types of survival craft equipment by removing the Coast Guard type approval requirements and, instead, adopting a voluntary consensus standard, ISO 18813 "Ships and marine technology – Survival equipment for survival craft and rescue boats".
Affected Population	Includes 16 manufacturers of 27 unique Coast Guard-approved products for 9 types of equipment;
	14,666 existing U.S.–flagged vessels with 34,456 survival craft; and
	124 new U.S.-flagged vessels annually with 379 survival craft.
Costs	There would be no costs to industry or the Federal Government as this proposed rule is deregulatory and would be reducing burden.
Benefits	There are non-monetary benefits to owners and operators of vessels with survival craft in having a larger selection of equipment to choose from, allowing for potential operational flexibility.
Industry Cost Savings*	Annualized: -$335,733
	10 Year: -$2.36 million
	Perpetual: -$280,842
Government Cost Savings (Thousands of Dollars)	Annualized: -$9,142
	10 Year: -$64,210
	Perpetual: -$7,162
Total Cost Savings	Annualized: -$344,875
	10 Year: -$2.42 million
	Perpetual: -$241,000

* The Industry Cost Savings, Government Cost Savings and Total Cost Savings are all discounted at 7 percent.

Affected Population

This proposed rule would impact four separate affected populations. First, this proposed rule would impact manufacturers of Coast Guard-approved equipment because it changes the standards and approval process for nine types of survival craft equipment. Second, this proposed rule would impact any new and existing U.S.-flagged vessels that carry survival craft because it would reduce the cost of buying and replacing survival craft equipment. Third, this proposed rule would impact small passenger vessels inspected under subchapter K or T because they are required to maintain a separate first-aid kit onboard, and this rule reduces the cost of replacing first-aid kits. Fourth, this proposed rule would impact sailing school vessels, but

we do not estimate any costs, cost savings, or benefits to these vessels. This proposed rule would remove table 169.527 from part 169 and it would remove the requirements for equipment outlined in § 169.529(a) through (mm) as these requirements are outdated and the Coast Guard is moving the reference to these pieces of equipment to part 199.

Data on manufacturers comes from the U.S. Coast Guard Maritime Information Exchange (CGMIX),[12] which is a public-facing version of the Marine Information for Safety and Law Enforcement (MISLE) database, unless otherwise specified. For each subchapter of inspected vessels that are required to carry survival craft, we looked at annual data (2008–2017)[13] from the MISLE database to estimate the number of vessels that would be affected by this proposed rule. We used this timeframe of vessel data from MISLE to obtain the average number of vessels, survival craft, and survival craft equipment presented in the vessel populations in the following sections.

Manufacturers of Coast Guard Approved Equipment

The Coast Guard is proposing to modify approval requirements for nine types of survival craft equipment, discussed in detail in section V of this proposed rule. These nine types of equipment include: (1) Bilge pumps; (2) compasses; (3) first-aid kits for lifeboats and for liferafts; (4) fishing kits; (5) hatchets; (6) jackknives; (7) signaling mirrors; (8) sea anchors; and (9) emergency drinking water. For these nine types of survival equipment, there are 27 unique Coast Guard type-approved products.[14] This proposed rule would impact products currently on the market as well as newly approved products. Those products affected by this NPRM that are currently on survival craft would remain acceptable for the purpose of carriage after this rule's implementation.

The 2018 collection of information, ''Supporting Statement for Title 46 CFR Subchapter Q: Lifesaving, Electrical, Engineering and Navigation Equipment, Construction and Materials & Marine Sanitation Devices (33 CFR part 159)'' (OMB Control Number: 1625–0035) estimates that companies would seek Coast Guard approval for 3 percent of the number of survival craft equipment products on the market each year. The Coast Guard estimates that each new product approval replaces a preexisting product approval, such that the total number of approved products would not change each year, as the number of newly approved products has been historically small. Table 4 presents the annual average of new products each year for the nine types of survival craft equipment. To calculate the annual average of new products, we multiplied the values in the ''Number of Approved Products'' column (table 4), which contains the number of existing approved products for each type of survival craft equipment, by 3 percent (''Percentage of New Approvals Each Year'' column).

[12] *https://cgmix.uscg.mil/*

[13] The Coast Guard used 10 years of MISLE data for a robust data set.

[14] Type Approval is the primary process for equipment and materials to receive Coast Guard approval. The certificate is valid for 5 years, and the approval will be listed on the CGMIX.

Table 4: Number of Products Currently Approved by the Coast Guard				
Equipment	**CFR Approval Series**	**Number of Approved Products*** **(a)**	**Percentage of New Approvals Each Year**** **(b)**	**Annual Average Number of New Products Each Year** **(c) = (a) × (b)**
Bilge pump	160.044	3	3%	0.09
Compass	160.014	3	3%	0.09
First-aid kit for Lifeboats	160.041	5	3%	0.15
First-aid kit for Liferafts	160.054	3	3%	0.09
Fishing kit	160.061	1	3%	0.03
Hatchet	160.013	1	3%	0.03
Jackknife	160.043	1	3%	0.03
Mirror, Signalling	160.020	3	3%	0.09
Sea anchor	160.019	1	3%	0.03
Water	160.026	6	3%	0.18
Total		**27**	**-**	**1**

Source:
* USCG Maritime Information Exchange (CGMIX) data pull, April 2018
**"Supporting Statement for Title 46 CFR Subchapter Q: Lifesaving, Electrical, Engineering and Navigation Equipment, Construction and Materials & Marine Sanitation Devices (33 CFR 159)" (OMB Control Number: 1625-0035).
Note: Values may not sum due to rounding.

U.S.-Flagged Vessels That Carry Coast Guard-Approved Equipment

This proposed rule would impact a total of 14,666 existing vessels. Of these vessels, we estimate the total amount of survival craft maintained by the affected population to be 34,456. Table 5 shows the breakdown of the survival craft population as follows: 2,142 inflatable buoyant apparatuses (IBAs), 25,910 liferafts, 3,472 lifeboats, and 2,932 rescue boats. These vessels, which are categorized by subchapter, are required to carry survival craft in accordance with the applicable regulations.

Table 5: Vessel and Survival Craft Population

Subchapter	Type of Vessel	Total Number of Vessels (a)	IBAs	Inflatable Liferafts	Lifeboats	Rescue Boats	All Survival Craft
			Total (b)	Total (c)	Total (d)	Total (e)	Total (f)
C	Commercial Fishing Vessels	5,661	193	5,945	134	57	6,329
C	Uninspected Passenger Vessels	150	5	236	1	8	250
D	Tank	420	2	891	710	59	1,662
H	Passenger	207	569	667	148	300	1,684
I	Cargo	1,172	3	3,685	1,511	714	5,913
I-A	Mobile Offshore Drilling Units	59	0	273	700	39	1,012
K	Small Passenger	316	412	1,132	4	192	1,740
L	Offshore Supply Vessels	512	0	2,065	71	481	2,617
M	Towing Vessels	829	17	928	14	37	996
R	Nautical Schools	25	2	125	79	18	224
R	Sailing Schools	7	0	21	0	5	26
T	Small Passenger	4,755	874	8,946	4	932	10,756
U	Oceanographic Research	81	3	304	72	40	419
Other Vessels		455	62	692	24	50	828
Total		**14,666**	**2,142**	**25,910**	**3,472**	**2,932**	**34,456**

Table 6 presents vessels by the subchapter to which they are inspected in title 46 of the CFR. ''Other vessels'' includes public and recreational vessels not subject to inspection. The owners and operators of the 14,666 identified vessels would experience cost savings from the lower estimated cost of replacing equipment after this proposed regulation takes effect. We used this existing vessel population data from MISLE and multiplied it by the average number of IBAs, liferafts, lifeboats, and rescue boats per vessel, which we also retrieved from MISLE, to obtain our estimated survival craft population. This is the existing population of survival craft. Regarding those pieces of survival craft equipment that are non-durable and will be replaced within 10 years, this is the population that provides the number of survival craft that will need to replace Coast Guard-approved equipment with presumably less expensive equipment, because the replacement equipment would not need Coast Guard approval. Those vessels with previously approved survival craft equipment would not be required to replace their survival craft equipment

until it expires or becomes unserviceable.

After establishing the existing number of current survival craft, we then estimate the growth in the number of survival craft each year in order to project out our affected population for the next ten years. To calculate the number of new survival craft each year, we multiply the ''Number of New Vessels per Year'' by each ''Average per Vessel'' column in table 6 to obtain our annual totals for each new survival craft type.[15] We estimate that 14 new IBAs, 278 new liferafts, 46 new lifeboats, and 41 new rescue boats would be outfitted with equipment subject to this proposed rule each year.

We then sum the totals for each survival craft type across each affected subchapter to obtain our estimated population of new survival craft each year for this NPRM. This annual growth in the survival craft population provides an estimate of the number of new survival craft that will enter the market each year. The vessel owners and operators of these craft would experience cost savings from buying some equipment, as discussed in this NPRM, which will no longer need Coast Guard approval. Table 6 presents the estimated total number of new survival craft each year.

Table 6: Average Survival Craft per Vessel

Subchapter	Type of Vessel	New Vessels per Year	IBAs		Inflatable Liferafts		Lifeboats		Rescue Boats	
			Average per Vessel	*Total*	*Average per Vessel*	*Total*	*Average per Vessel*	*Total*	*Average per Vessel*	*Total*
C	Commercial Fishing Vessels	22	0.03	1	1.05	23	0.02	0	0.01	0
C	Uninspected Passenger Vessels	1	0.03	0	1.57	2	0.01	0	0.05	0
D	Tank	11	0	0	2.12	23	1.69	19	0.14	2
H	Passenger	1	2.75	3	3.22	3	0.71	1	1.45	1
I	Cargo	8	0	0	3.14	25	1.29	10	0.61	5
I-A	Mobile Offshore Drilling Units	1	0	0	4.63	5	11.86	12	0.66	1
K	Small Passenger	3	1.29	4	3.58	11	0.01	0	0.61	2
L	Offshore Supply Vessels	23	0	0	4.03	93	0.14	3	0.94	22
M	Towing Vessels	14	0.02	0	1.12	16	0.02	0	0.04	1
R	Nautical Schools	0	0.08	0	5	0	3.16	0	0.72	0
R	Sailing Schools	0	0	0	3	0	0	0	0.71	0
T	Small Passenger	36	0.18	6	1.88	68	0	0	0.20	7
U	Oceanographic Research	1	0.04	0	3.75	4	0.89	1	0.49	0
Other Vessels	Other Vessels	3	0.14	0	1.52	5	0.05	0	0.11	0
Total		**124**	**5**	**14**	**40**	**278**	**20**	**46**	**7**	**41**

Note: Totals may not sum due to rounding.

[15] ''The Number of New Vessels per Year'' column was calculated by taking the total number of new vessels by subchapter by year from the MISLE database. The Coast Guard calculated the ''Average per Vessel'' column by dividing column (b) by column (a) in table 5.

Subchapter K and Subchapter T Vessels

This proposed rule would also affect all U.S.-flagged vessel operators regulated under subchapters K and T, as these vessel operators are required to maintain a Coast Guard-approved first-aid kit onboard their vessels, in addition to any first-aid kits carried in the survival craft. The owners and operators of these small passenger vessels would no longer be required to maintain Coast Guard-approved first-aid kits aboard the vessels themselves. Using MISLE data, we estimate there to be 2,069 existing small passenger vessels, with 101 new vessels being built on an annual basis. This number includes all small passenger vessels defined in subchapters K and T, found in §§ 121.710 and 184.710, respectively, regardless of what type of survival craft they have onboard. Therefore, this count may include vessels that do not have an IBA, lifeboat, liferaft, or rescue boats onboard.

Equipment Type for Each Survival Craft

The type of equipment each survival craft is required to carry varies depending on the distance a vessel is traveling. Inspected vessels must carry an equipment pack for an international voyage, with the exception of lifeboats on sailing school vessels, which, if they are equipped with lifeboats, must carry the equipment required in §§ 169.527 and 169.529. Currently, based on MISLE data, none of the seven U.S.-flagged sailing school vessels are equipped with lifeboats. Table 7 contains the equipment required by pack and type of survival craft.

Table 7: Required Survival Craft Equipment Subject to the NPRM for Lifeboats, Liferafts, Rescue Boats, and IBAs

Equipment	Types of Equipment Required							
	Lifeboats		Liferafts			Rescue Boats		IBAs
	International Voyage	Short International Voyage***	International Voyage (SOLAS A pack)	Short International Voyage (SOLAS B pack)	Coastal Service pack	International Voyage	Short International Voyage***	
Bilge pump	1	1						
Can Opener*	3	3	3					
Compass	1	1				1	1	
Fire extinguisher	1	1				1	1	
First-aid kit	1	1	1	1		1	1	1
Fishing kit	1							
Hatchet	2	2						
Jackknife**	1	1						
Knife**			1	1	1	1	1	2
Mirror, Signaling	1	1	1	1	1			1
Sea anchor	1	1	2	2	1	1	1	1
Water (liters per person)	3	1.5	3					

Sources:
International Voyage: *https://www.gpo.gov/fdsys/pkg/CFR-2008-title46-vol7/xml/CFR-2008-title46-vol7-sec199-175.xml*
IBAs: *https://www.gpo.gov/fdsys/pkg/CFR-2008-title46-vol6/xml/CFR-2008-title46-vol6-part160.xml#seqnum160.010-3*
Coastal Service pack: *https://www.gpo.gov/fdsys/pkg/CFR-2008-title46-vol6/xml/CFR-2008-title46-vol6-part160.xml#seqnum160.051-11*
Notes:
* Section 199.175(b)(5) allows jackknives to take the place of a can opener.
**The proposed rule would remove the separate requirements for knives and jackknives and would, instead, require that all survival craft be equipped with either knives or jackknives.
*** According to § 70.10-43, a short international voyage is an international voyage in the course of which a vessel is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage may exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the vessel commences its return voyage to the country in which the voyage began.

Equipment Pack Types for Commercial Fishing Vessels

Commercial fishing vessels must be equipped with either a Coastal Service pack, a SOLAS A pack, or a SOLAS B pack depending on vessel size, distance traveled, whether the ocean route is designated as a cold-water route or warm-water route, and the number of persons onboard. Table 8 provides a brief description of the packs that can be carried by lifeboats and liferafts.[16]

Table 8: Description of Packs carried by Lifeboats and Liferafts

Type of Pack	Contents
Coastal Service pack	A Coastal pack will contain a Sea Anchor (Automatically Deployed), Floating/Heavy Line (Length 100 ft.), Rain Water Collector, Floatable Knife, Waterproof Equipment Bag, Raft Use Instructions, Individual Thermal Protective Aids (2 nos.), Floatable Paddles (1 pair), Manual Inflation/Bilge Pump, Repair Clamps (6 nos.), Adhesive and Patch Repair Kit.
SOLAS B pack	In addition to the items listed in the Coastal pack, a SOLAS B pack will contain: Waterproof Flashlight, a Spare Flashlight Bulb, Spare Flashlight "D" Cell Batteries (3 nos.), Sponges (2 nos.), Bailer, SOLAS Handheld Flares (3 nos.), SOLAS Rocket Parachute Flares (2 nos.) Buoyant Smoke Signal (1 no.), Seasick Bags (1 Per Person), Water Storage Bag, Thermal Protective Aid, Heliograph Mirror (*For Signaling*), First-Aid Kit, Signaling Whistle, Anti-Seasickness Pills (6 Per Person), Spare Sea Anchor, SOLAS Handheld Flares (3 nos.), SOLAS Rocket Parachute Flares (2 nos.) and Buoyant Smoke Signal (1 no.).
SOLAS A pack	In addition to the items listed in the Coastal pack and the items listed in SOLAS B, a SOLAS A pack will include: a Graduated Drinking Cup, Drinking Water (6-20 Person Capacity), Food Ration (10kj per Person), Can Opener, Fishing Kit, SOLAS Handheld Flares (Total 6 nos.) and a SOLAS Rocket Parachute Flare (Total 4 nos.).

Equipment Pack types for Survival Craft

We used vessel route types from MISLE to estimate the percentage of vessels with a SOLAS A pack compared to a SOLAS B pack. All vessels with ''ocean'' listed as a route type are presumed to carry survival craft with SOLAS A packs. We estimate the remaining route types, not listed as ''ocean,'' would have SOLAS B packs. Using commercial fishing vessel data from MISLE and knowledge from subject matter experts from the Coast Guard's Life Saving & Fire Safety Division (CG–ENG–4), who specialize in survival craft data, we estimate that 50 percent of non-ocean going fishing vessels will have Coastal Service packs and 50 percent of non-ocean going fishing vessels will have SOLAS B packs.

We created a distribution of SOLAS A, SOLAS B, and Coastal Service packs by pulling all U.S.-flagged vessels by the inspection subchapter and then pulling these vessels by route type from the MISLE database. We excluded any vessels that did not have survival craft or had an unknown field for survival craft in the MISLE database. The route-type designation included ''Ocean'' for ocean-going vessels in MISLE,[17] which we designated as SOLAS A vessels, and the remainder were therefore SOLAS B vessels.[18] We then calculated the number of SOLAS A packs by dividing the population of our vessels (by subchapter) by the sum of vessels that had ''Ocean'' routes and dividing that sum by the sum of vessels in that given subchapter. To calculate the percentage of SOLAS B packs, we simply subtracted the number of SOLAS A packs from 100 percent. This data pull provided the total number of inflatable liferafts and lifeboats, respectively, and the percentage of each survival craft pack type by subchapter, which is presented in table 9.

[16] Readers can find more information on Inflatable Liferafts for domestic service in the following link: *https://ecfr.io/Title-46/sp46.6.160.160_1051.*

[17] The ''Ocean'' designation in MISLE specifically refers to those vessels with SOLAS certificates that designates them as SOLAS A vessels. The MISLE data being pulled is from 2007–2017.

[18] The sole exception was Commercial Fishing Vessels, which we broke out the Coastal routes and short international routes by vessel because Commercial Fishing Vessels are the only type of vessels in our affected population that would carry Coastal Service packs instead of only having SOLAS B packs for short international shipping routes.

Table 9: Percentage of Equipment Pack Types for Lifeboats and Liferafts by Subchapter

Type of Vessel	Total Number of Vessels (a)	Number of 'Ocean-going Vessels' (b)	Coastal Service pack (c)	Short International/ SOLAS B (d)	International/ SOLAS A (e)
Commercial Fishing Vessels (Subchapter C)	5,661	2,208	31%	31%	39%
Uninspected Passenger Vessels (Subchapter C)	150	32	-	79%	21%
Tank (Subchapter D)	420	319	-	24%	76%
Passenger (Subchapter H)	207	17	-	92%	8%
Cargo and Miscellaneous (Subchapter I)	1,172	984	-	16%	84%
Mobile Offshore Drilling Units (Subchapter I-A)	59	57	-	4%	96%
Small Passenger (Subchapter K)	316	10	-	97%	3%
Offshore Supply Vessels (Subchapter L)	512	509	-	1%	99%
Towing Vessels (Subchapter M)	829	398	-	52%	48%
Nautical Schools (Subchapter R)	25	15	-	40%	60%
Sailing Schools (Subchapter R)	7	2	-	71%	29%
Small Passenger (Subchapter T)	4,755	1,474	-	69%	31%

Oceanographic Research (Subchapter U)	81	74	-	9%	91%
Other	455	127	-	72%	28%

Note: Totals may not sum due to rounding.

We then estimated the number of liferafts and lifeboats by equipment pack type for existing and new vessels by looking at the total number of packs carried by lifeboats and liferafts. Table 10 presents the number of SOLAS A, SOLAS B, and Coastal Service packs by liferaft and lifeboat for each subchapter of vessels. The total number of inflatable liferafts with Coastal Service Packs (Column (a)) in table 10 is calculated by multiplying the percentage of Coastal Service Packs in liferafts and lifeboats (column (c) in table 9) by the total number of inflatable liferafts by subchapter (column c) in table 5). Column (b) in table 10, 'Short Internatonal/SOLAS B packs for inflatable liferafts', is calculated by multiplying column (d) in table 9, which is the percentage of Short International/SOLAS B packs by vessel subchapter, by column (c) in table 5, which is the total number of inflatable liferafts by subchapter. Column (c) in table 10, 'International/Solas A packs for liferafts', is calculated by multiplying column (e) in table 9, which is hte percentage of International/ SOLAS A packs by vessel subchapter, by column (c) in table 5, which is the total number of inflatable liferafts by subchapter. Column (e) in table 10, 'Short Interntaional/Solas B packs for lifeboats', is calculated by taking the sum of multiplying columns (c) and (d), the percentages of Coastal Packs and Short Intertanional/SOLAS B packs in table 9 by column (e) in table 5, which is the total number of lifeboats by subchapter. Column (f) in table 10, 'Interntaional/Solas A packs for lifeboats' is calculated by multiplying column (e) from table 9, which is the percentage of International Packs/ SOLAS A, by column (e) in table 5, which is the total number of lifeboats by subchapter.

Table 10: Vessel Lifeboat and Liferaft Count by Subchapter							
	Inflatable Liferafts				Lifeboats		
Type of Vessel	Coastal Service pack (a)	Short International / SOLAS B (b)	International / SOLAS A (c)	Total (a) + (b) + (c) = (d)	Short International / SOLAS B (e)	International/ SOLAS A (f)	Total (e) + (f) = (g)
Commercial Fishing Vessels (Subchapter C)	1,813	1,813	2,319	5,945	82	52	134
Uninspected Passenger Vessels (Subchapter C)	-	186	50	236	1	0	1
Tank (Subchapter D)	-	214	677	891	170	540	710
Passenger (Subchapter H)	-	614	53	667	136	12	148
Cargo and Miscellaneous (Subchapter I)	-	590	3,095	3,685	242	1,269	1,511
Mobile Offshore Drilling Units (Subchapter I-A)	-	11	262	273	28	672	700
Small Passenger (Subchapter K)	-	1,098	34	1,132	4	0	4
Offshore Supply Vessels (Subchapter L)	-	21	2,044	2,065	1	70	71
Towing Vessels	-	483	445	928	7	7	14

(Subchapter M)							
Nautical Schools (Subchapter R)	-	49	76	125	31	48	79
Sailing Schools (Subchapter R)	-	15	6	21	0	0	0
Small Passenger (Subchapter T)	-	6,173	2,773	8,946	3	1	4
Oceanographic Research (Subchapter U)	-	27	277	304	6	66	72
Other Vessels	-	498	194	692	17	7	24
Total	**1,813**	**11,791**	**12,306**	**25,910**	**728**	**2,744**	**3,472**
Note: Values may not sum due to rounding.							

Table 11 presents the total number of new packs needed each year for new survival craft. This table is calculated by taking the number of new lifeboats and liferafts presented in table 6 and multiplying that figure by the distribution in table 9 to obtain the number of new packs needed for the new liferafts and lifeboats on vessels each year.

Table 11: Lifeboats and Liferafts by Equipment Pack Type Needed on an Annual Basis Broken Out by Subchapter

	Inflatable Liferafts				Lifeboats		
Type of Vessel	**Coastal Service pack**	**Short International/ SOLAS B**	**International/ SOLAS A**	**Total**	**Short International/ SOLAS B**	**International/ SOLAS A**	**Total**
Commercial Fishing Vessels (Subchapter C)	7	7	9	23	0	0	0
Uninspected Passenger Vessels (Subchapter C)	-	2	0	2	0	0	0
Tank (Subchapter D)	-	6	17	23	5	14	19
Passenger (Subchapter H)	-	3	0	3	1	0	1
Cargo and Miscellaneous (Subchapter I)	-	4	21	25	2	8	10
Mobile Offshore Drilling Units (Subchapter I-A)	-	0	5	5	0	12	12
Small Passenger (Subchapter K)	-	11	0	11	0	0	0
Offshore Supply Vessels (Subchapter L)	-	1	93	93	0	3	3

Towing Vessels (Subchapter M)	-	8	8	16	0	0	0
Nautical Schools (Subchapter R)	-	0	0	0	0	0	0
Sailing Schools (Subchapter R)	-	0	0	0	0	0	0
Small Passenger (Subchapter T)	-	46	21	68	0	0	0
Oceanographic Research (Subchapter U)	-	0	4	4	0	1	1
Other Vessels	-	4	1	5	0	0	0
Total	**7**	**92**	**179**	**278**	**8**	**38**	**46**

Note: Values may not sum due to rounding.

Cost Savings

We anticipate that this proposed rule would generate a cost savings to: (1) Vessel owners and operators from having the option to purchase less expensive survival craft equipment; (2) equipment manufacturers from reducing reporting, record keeping, and production requirements of survival craft equipment; and (3) the Federal Government from reducing record keeping requirements. The details and calculations of the cost savings are discussed later in this NPRM.

Wages

This proposed rule would reduce the burden of review that is required by both industry and the Federal Government. This review includes preparing COA application renewals, and product instructions by certain manufacturers. We presume clerical employees would be responsible for all the manufacturer's recordkeeping activities, and production employees would be responsible for marking equipment and packing instructions. Federal Government employees who possess the technical knowledge of survival craft to review submissions to ensure safety standards would be senior engineers at the GS–14 grade. These employees would be responsible for the review of all the submitted information.

We calculate the costs for each activity by estimating the labor hours required in each labor category and then multiplying those burdens by the wage rate for each labor category. For this analysis, we calculated private sector wages using 2018 wage data from the U.S. Bureau of Labor Statistics (BLS) Occupational Employment Statistics (OES) for the miscellaneous manufacturing sector (North American Industry Classification System (NAICS) 339000).[19] We added a load factor to the industry wages using December 2018 wage and total compensation data from the BLS Employer Costs for Employee Compensation (ECEC) survey, which accounts for employee benefits. This load factor represents the total benefits as a percentage of total salary.[20]

[19] *https://www.bls.gov/oes/2018/may/naics3_339000.htm*

[20] A loaded labor rate is what a company pays per hour to employ a personbeyond the hourly wage. Instead, the loaded labor rate includes the cost of benefits (health insurance, vacation, etc.). We calculate the load factor for wages by dividing total compensation by wages and salaries. For this analysis, we used BLS' Employer Cost for Employee Compensation/Manufacturing Occupations, Private Industry report (Series IDs, CMU2013000000000D and CMU2023000000000D for all workers using the multi-screen data search). Using 2018 Q4 (Quarter 4) Manufacturing data, we divided the total compensation amount of $39.09 by the wage and salary amount of $25.59 to get the load factor of 1.53 ($39.09 divided by $25.59). This data is found in table 10 of the *Employer Costs for Employee Compensation December 2018 News Release* available at *https://www.bls.gov/news.release/archives/ecec_03192019.pdf*

For Federal Government employees, Commandant Instruction 7310.1T, Reimbursable Standard Rates [21] provides fully loaded wages for both Coast Guard military and civilian employees and lists the loaded hourly wage rate for a GS–14 senior engineer as $105. Table 12 summarizes the loaded wage rates for industry used in this RA.

[21] On page 2 of Enclosure 2 of the following link, the reader can access the in-government wage rates for USCG personnel: *https://media.defense.gov/2018/Dec/12/2002071837/-1/-1/0/CI_7310_1T.PDF*

Table 12: Derivation of 2018 Loaded Industry Wage Rates (Rounded to the Nearest Dollar)

Personnel Category	Data Source(s)	2018 Hourly Wage	Load Factor	Loaded Hourly Wage
		(a)	(b)	(c) = (a)×(b)
Technical	**Wage Rate:** Mean hourly wage for Industrial Engineers, Including Health and Safety: Occupation code (17-2110) under the miscellaneous manufacturing sector (NAICS 339000) from the BLS OES. Link: https://www.bls.gov/ocs/2018/may/naics3_339000.htm#17-0000 **Loading Factor:** Calculated from December 2018 BLS ECEC non-seasonally adjusted data for wage and salaries (CMU2013000000000D) and total compensation (CMU2023000000000D) for private industry workers in the miscellaneous manufacturing sector.	$42.79	1.53	**$65**
Clerical	**Wage Rate:** Mean hourly wage for Information and Record Clerks: Occupation code (43-4000) under the miscellaneous manufacturing sector (NAICS 339000) from the BLS OES. Link : https://www.bls.gov/oes/2018/may/naics3_339000.htm#43-4000 **Loading Factor:** Calculated from December 2018 BLS ECEC non-seasonally adjusted data for wage and salaries (CMU2013000000000D) and total compensation. (CMU2023000000000D) for private industry workers in the manufacturing sector.	$19.11	1.53	**$29**
Production	**Wage Rate:** Mean hourly wage for Assemblers: Occupation code (51-2000) in the miscellaneous manufacturing sector (NAICS 339000) from the BLS OES. Link: https://www.bls.gov/oes/2018/may/naics3_339000.htm#51-2000 **Loading Factor:** Calculated from December 2018 BLS ECEC non-seasonally adjusted data for wage and salaries (CMU2013000000000D) and total compensation (CMU2023000000000D) for private industry workers in the manufacturing sector.	$15.95	1.53	**$24**

Note: Values may not sum due to rounding.

Cost Savings to Equipment Manufacturers

We estimate that manufacturers of Coast Guard-approved equipment would have a cost savings associated with no longer having to complete COA applications and renewals to obtain and maintain Coast Guard approval. In addition, this proposed rule would remove recordkeeping and reporting requirements, and reduce testing requirements for some pieces of survival equipment.

Number of Survival Craft Products

This proposed rule would modify the approval requirements for nine types of survival craft equipment. For each type of equipment, companies manufacture unique products. In total, there are 27 products for these 9 types of survival craft equipment. These pieces of equipment are the specific items that vessel owners and operators purchase to be in compliance with the vessel carriage regulations found in 46 CFR subchapters C, T, K, and W.[22] These pieces of equipment also account for the total items that must be stowed aboard survival craft.

To comply with the lifesaving equipment regulations in 46 CFR subchapter Q, manufacturers submit these products to the Coast Guard for review and approval. Once approved, the manufacturer of each piece of equipment must mark it (or stamp it) with its COA number. Table 13 presents the total number of pieces of survival craft equipment manufactured on an annual basis.

There are two types of survival craft equipment: (1) Items that are durable and need not be replaced or serviced frequently, such as bilge pumps, compasses, fishing kits,[23] jackknives, signaling mirrors, hatchets, and sea anchors; and (2) items that are not durable, expire, and must be replaced, such as first-aid kits and water. We used the annual number of pieces of survival craft equipment needed to stock new survival craft in order to estimate the number of new pieces of equipment manufactured and stamped on an annual basis. We estimate that, in the long term, the supply of new survival equipment would equal the demand of new survival craft equipment.

The Coast Guard does not have substantive data on how long these durable goods last, and we estimate that these goods would last as long as the survival craft themselves. We request comments from the general public and interested stakeholders regarding the length of time bilge pumps, compasses, fishing kits, jackknives, signaling mirrors, hatchets, and sea anchors last, and whether they last as long as the survival craft they equip.

We discuss the renewal rate of non-durable goods, first-aid kits, and water later in this analysis.[24] Table 13 lists the estimated number of pieces of survival craft equipment manufactured on an annual basis.

Table 13: Estimated Number of Pieces of Equipment Manufactured Annually

Equipment	Approval Series	Annual Number of Pieces of Equipment
Compass	160.014	87
First-aid kit for Lifeboats	160.041	188
First-aid kit for Liferafts	160.054	285
Fishing kit	160.061	38
Hatchet	160.013	92
Jackknife	160.043	46
Mirror, Signaling	160.020	338
Total		**1,074**

Equipment Approval and Markings

In the current regulations, manufacturers seeking Coast Guard approval must submit a COA application with information such as technical plans, drawings, specifications, instructional materials, and test reports. In addition to the initial application, manufacturers of Coast Guard approved equipment must also submit application renewals every 5 years to maintain their approval status. Table 4 presents the estimated number of new COA applications for each equipment type, as the annual average number of new products each year.

[22] Refer to the appendix titled ''Appendix C: Carriage Requirements for all the Survival Craft Equipment'' in the docket folder for more information on carriage requirements for all vessels affected by this NPRM.

[23] There is one Coast Guard-approved fishing kit on CG–MIX currently. The only non-durable aspect of the fishing kit, the bait, is made of synthetic resin, plastisol, a form of rubber which, if stored properly, has an indefinite shelf life.

[24] Refer to the sections titled *First Aid Kits, First Aid Kits for Liferafts and IBA,* and *Emergency Water* further in the regulatory analysis.

Table 14 presents the estimated number of application renewals for each equipment type. Since the Coast Guard estimates that one of every five applications will be renewed on an annual basis, the number of renewal applications is equal to 20 percent of the total number of products. Once a product has been approved, the manufacturer must stamp each individual piece of survival craft equipment with the Coast Guard approval number and other information.

Table 14: Total Number of New Renewals

Equipment	CFR Approval Series	Total Products	Annual Percentage of COAs for Renewals	Total Renewal Applications Annually
		(a)	(b)	(c) = (a)×(b)
Bilge pump	160.044	3	20%	0.6
Compass	160.014	3	20%	0.6
First-aid kit for Lifeboats*	160.041	5	20%	1
First-aid kit for Liferafts	160.054	3	20%	0.6
Fishing kit	160.061	1	20%	0.2
Hatchet	160.013	1	20%	0.2
Jackknife	160.043	1	20%	0.2
Mirror, Signaling	160.020	3	20%	0.6
Sea anchor	160.019	1	20%	0.2
Water	160.026	6	20%	1.2
Total**		**27**	**20%**	**5**

Note: Values may not sum due to rounding.

*This includes the first-aid kits described in the Subchapter K and Subchapter T section, which are covered under the same CFR approval subpart.

**For emergency drinking water, this only includes implementation Years 1 through 5. The number of products for Years 6 through 10 are discussed later in this rule. Since there will be no cost savings associated with equipment markings for these pieces of equipment, we did not expand the table to show implementation Years 1 through 10.

We estimate that it would take the technical staff 2 hours [25] to prepare a new application, and the clerical staff would spend 0.17 hours per application on recordkeeping, for a total cost of $135 per new application [(2 technical hours × $65) + (0.17 clerical hours × $29) = $135]. For renewal applications, we estimate a burden of 0.5 technical hours and 0.17 clerical hours, for a total cost of $37 [(0.5 technical hours × $65) + (0.17 clerical hours × $29) = $37]. Under this proposed rule, the Coast Guard would no longer require COA applications for any new survival craft equipment. As shown in table 15, we estimate this would result in a cost saving to industry of approximately $108 per year for new applications and approximately $200 per year for renewal applications. This results in a total annual cost savings of about $308.

Table 15: Annual Cost Savings of Industry for No Longer Having to Submit New and Renewal Certificate of Approval Applications

Equipment	CFR Approval Series	New Applications		Renewal Applications		Total Cost Savings
		Total Number of Applications*	Total Cost Savings	Total Number of Applications**	Total Cost Savings	
		(a)	(b)=(a)×[-$135]	(c)	(d)=(c)×[-$37]	(e) = (b)+(d)
Bilge pump	160.044	0.09	-$12	0.60	-$22	-$34
Compass	160.014	0.09	-$12	0.60	-$22	-$34
First-aid kit for Lifeboats	160.041	0.15	-$20	1.00	-$37	-$57
First-aid kit for Liferafts	160.054	0.09	-$12	0.60	-$22	-$34
Fishing kit	160.061	0.03	-$4	0.20	-$7	-$11
Hatchet	160.013	0.03	-$4	0.20	-$7	-$11
Jackknife	160.043	0.03	-$4	0.20	-$7	-$11
Mirror, Signaling	160.020	0.09	-$12	0.60	-$22	-$34
Sea anchor	160.019	0.03	-$4	0.20	-$7	-$11
Water	160.026	0.18	-$24	1.20	-$44	-$68
Total			**-$108**		**-$200**	**-$308**

Note: Values may not sum due to rounding.
* Refer to column c in table 4.
** Refer to column c in table 14.

The Coast Guard is proposing to remove the requirements that equipment must be marked with a Coast Guard approval number. With the exception of compasses and hatchets, equipment only needs to be marked to indicate that it meets standards set in ISO 18813. Compasses would no longer need to be marked with their Coast Guard approval number, but would still need to be marked to indicate they meet ISO 25862, as is currently required by the Coast Guard approval guidelines for magnetic compasses in lifeboats and rescue boats. The Coast Guard is proposing that hatchets would not need to be marked at all, as they do not have to meet any consensus standard.

The Coast Guard assumes the burden to mark the equipment is the same whether it is being marked with a Coast Guard approval number or whether it is marked indicating that it meets the ISO standard; therefore, this proposed change would only result in a cost savings to the manufacturers of hatchets. The Coast Guard estimates that

[25] Based on information from the subchapter Q ICR.

it takes industry 0.06 hours of production labor time [26] to mark each individual piece of equipment at a cost of $1.44 (0.06 hours × $24 = $1.44) per piece of equipment. We estimate that 92 hatchets would be marked each year (see table 13), for a total cost savings of approximately $132 ($1.44 × 92).[27]

Instructions

The Coast Guard currently requires that equipment manufacturers provide instruction material with certain types of equipment to ensure that crew members have access to information on the proper use of the equipment. We currently require instructions for five of the nine types of equipment subject to this proposed rulemaking: Compasses, first-aid kits, mirrors, fishing kits and jackknives. ISO 18813 requires instructions for three types of equipment: First-aid kits, mirrors, and fishing kits. ISO 18813 does not state that instructions need to be provided for compasses and jackknives; therefore, the manufacturers of compasses and jackknives would no longer have to develop, maintain, and pack instructions for their products under this proposed rule.

Furthermore, the Coast Guard requires that instructions be updated and submitted with application renewals. Since manufacturers of this equipment would no longer have to submit renewal applications, we estimate that manufacturers would no longer update their instructions, resulting in a cost savings for manufacturers for all five types of equipment. In addition to these cost savings, there is a cost savings associated with removing the need to pack the instructions with the equipment. Using the same methodology to estimate the number of pieces of equipment that need to be marked annually, we estimate that the same number of instructions required to be packed for pieces of equipment would be the same as the number of pieces of equipment required to be marked. Table 16 presents the number of instructions developed and renewed each year under the baseline presented in the subchapter Q ICR.[28]

Table 16: Number of Product Instructions Packed Annually Due to Product Renewals

Equipment	Approval Series	Instructions for Product Renewals	Annual Number of Pieces of Equipment	Total Instructions Packed
		(a)	(b)	(c)=[(a)x(b)]+(b)
Compass	160.014	0.6	87	139
First-aid kit for Lifeboats	160.041	1	188	376
First-aid kit for Liferafts	160.054	0.6	285	456
Fishing kit	160.061	0.2	38	46
Jackknife	160.043	0.2	46	55
Mirror, Signaling	160.020	0.6	338	541
Total		**3.20**	**982**	**1,613**

Note: Values may not sum due to rounding.

Based on information in the current subchapter Q ICR, we estimate that it takes 8 hours of technical time, costing $520 (8 hours × $65) to prepare a new set of instructions. Similarly, we estimate that it takes 2 hours of technical time, costing $130 (2 hours × $65) to prepare instructions for renewal submissions. The Coast Guard estimates that packing each set of instructions would incur the same burden (amount of time) as marking each piece of equipment, or 0.06 hours of production. We estimate the cost of marking each piece of equipment to be $1.44 [0.06 hours × $24 (production staff time)].

In tables 17, 18 and 19, we present the total annual industry cost savings for no longer having to develop new instructions for some types of new survival craft equipment, for no longer having to update instructions for renewal applications, and for packing fewer instructions. Table 18 presents the cost savings to develop new instructions for those types of survival craft equipment requiring instructions, which leads to a total annual cost savings of approximately $63. The total cost in columns (b) and (d), $520, is the loaded wage of a safety engineer and inspector, $65, multiplied by the estimated burden of work, 8 hours, for preparing a set of new instructions. This table presents the baseline scenario burden, the proposed post-regulatory scenario burden, and the difference between the two as cost savings.

[26] This is based on information from the subchapter Q information collection request (ICR).

[27] This value is incorporated in column (a) of table 24.

[28] To access the subchapter Q ICR follow this link: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201811-1625-005.* Select ''All'' in the first box titled, ''Display additional information by clicking on the following'' and scroll down to the ''Number of Information Collection (IC) in this ICR: 5''. In this section, you will be able to access Approvals, Instruction Materials, Production Tests and Laboratory Inspections, Markings, and the Independent and Recognized Labs forms.

Table 17: Annual Cost Savings of Modifying New Instruction Requirements for Applicable Equipment						
Equipment	Approval Series	Baseline Scenario		Post Regulatory Scenario		Total Cost Savings
		Total New Instructions	Total Cost	Total New Instructions	Total Cost	
		(a)	(b)=(a)×$520	(c)	(d)=(c)×$520	(e) = (d)−(b)
Compass	160.014	0.09	$47	0	$0	-$47
First-aid kit for Lifeboats	160.041	0.15	$78	0.15	$78	$0
First-aid kit for Liferafts	160.054	0.09	$47	0.09	$47	$0
Fishing kit	160.061	0.03	$16	0.03	$16	$0
Jackknife	160.043	0.03	$16	0	$0	-$16
Mirror, Signaling	160.020	0.09	$47	0.09	$47	$0
Total		**0.48**	**$251**	**0.36**	**$188**	**-$63**
Note: Totals may not sum due to rounding.						

Table 18 presents the cost savings of no longer having to update instructions for renewal applications, which leads to a total cost savings of about $416 annually. The total cost in columns (b) and (d) is the loaded wage of a safety engineer and inspector, $65, multiplied by the estimated burden of work, 2 hours, for preparing instructions for renewal submissions. This table presents the baseline scenario burden, the proposed post-regulatory scenario burden, and the difference between the two as cost savings.

Table 18: Annual Cost Savings of Removing Instruction Renewal Requirements for Applicable Equipment

Equipment	Approval Series	Baseline Scenario		Post Regulatory Scenario		Total Cost Savings
		Total New Instructions	Total Cost	Total New Instructions	Total Cost	
		(a)	(b)=(a)×$130	(c)	(d)=(c)×$130	(e) = (d)−(b)
Compass	160.014	0.60	$78	0	$0	-$78
First-aid kit for Lifeboats	160.041	1	$130	0	$0	-$130
First-aid kit for Liferafts	160.054	0.60	$78	0	$0	-$78
Fishing kit	160.061	0.20	$26	0	$0	-$26
Jackknife	160.043	0.20	$26	0	$0	-$26
Mirror, Signaling	160.020	0.60	$78	0	$0	-$78
Total		**3.20**	**$416**	**0**	**$0**	**-$416**

Note: Totals may not sum due to rounding.

Table 19 presents the cost savings of having to pack fewer instructions, which leads to a total annual cost savings of approximately $2,218. The total cost in columns (b) and (d) is the loaded wage of a production employee or assembler, $24, multiplied by the estimated burden of work, 0.06 hours, for packing instructions. Table 19 presents the baseline scenario burden, the proposed post-regulatory scenario burden, and the difference between the two as cost savings.

Table 19: Annual Cost Savings from Reducing the Number of Instructions Packed with Applicable Equipment

Equipment	Approval Series	Baseline Scenario		Post Regulatory Scenario		Total Change in Cost = Total Cost Savings
		Total Instructions Packed	Total Cost	Total Instructions Packed	Total Cost	
		(a)	(b)=(a)×$1.44	(c)	(d)=(c)×$1.44	(e)=(d)−(b)
Compass	160.014	139	$200	0.00	$0	-$200
First-aid kit for Lifeboats	160.041	376	$541	30.00	$43	-$498
First-aid kit for Liferafts	160.054	456	$657	18.00	$26	-$631
Fishing kit	160.061	46	$66	6.00	$9	-$57
Jackknife	160.043	55	$79	0.00	$0	-$79
Mirror, Signaling	160.020	541	$779	18.00	$26	-$753
Total		**1,613**	**$2,322**	**72**	**$104**	**-$2,218**

Note: Totals may not sum due to rounding.

Laboratory Testing and Recordkeeping

As current regulations stand, the Coast Guard requires product testing and recordkeeping for some lifesaving equipment to ensure the equipment meets minimum performance requirements. Table 20 presents a comparison of the current Coast Guard testing requirements and the testing requirements stated in ISO 18813 and ISO 25862 (for compasses). This table also contains a qualitative description of the change in costs associated with modifying the current testing requirements. We were unable to obtain any cost data from the Coast Guard-approved labs that conduct the testing of this equipment.[29]

[29] We contacted four Coast Guard approved laboratories to obtain cost estimates for the current and proposed testing requirements; however, the labs were unable to provide any cost information. The Coast Guard would appreciate any public comments on the costs associated with the current or proposed testing requirements.

Table 20: Current and Proposed Product Testing Requirements			
Product	**Current Testing Requirements**	**Proposed Testing Requirements**	**Cost Impact**
Compasses	• All testing requirements from section four of ISO 613.[a] • Dry Heat[a] • Low Temperature[a] • Vibration[a] • Solar Radiation[a] • Corrosion[a]	• All testing requirements for class B Compasses as stated in ISO 25862. • Dry Heat • Damp Heat • Low Temperature • Vibration • Solar Radiation • Corrosion	There would be no cost change, as the requirements of ISO 613 and ISO 25862 are not substantively different.
Bilge Pump	• Capacity Testing[b] • Head Pressure Testing[b] • Operating Lever Testing[b]	• Capacity Testing • Head Pressure Testing • Operating Lever Testing	None. Testing requirements are the same.
Jackknife	• Hardness Test[c] • Bending and Drop Tests[c] • Cutting Tests[c]	• Cutting Tests	Unquantified cost savings. The Coast Guard is unable to assess the change in burden; there is no substantive data.
First-Aid for Lifeboats	• Accelerated weathering[d] • Salt spray[d] • Temperature change[d] • Container watertightness[d] • Carton watertightness[d]	• None	Unquantified cost savings. There is no change in testing requirements; therefore there is no change in burden.
First-Aid for Liferafts	• Accelerated weathering[e] • Salt Spray[e]	• None	Unquantified cost savings. There is no change in testing requirements; therefore there is no change in burden.
Mirrors	• Reflection Test[f] • Flatness Tests[f] • Dropping Test[f] • Salt Spray[f] • Watertightness	• Reflection Test • Flatness Test[g] • Dropping Test • Oil-Resistance Test • Lanyard Strength Test	Unknown change in cost. The Coast Guard is unable to assess the change in

Table 20: Current and Proposed Product Testing Requirements

Product	Current Testing Requirements	Proposed Testing Requirements	Cost Impact
			burden; there is no substantive data.
Emergency Water	• Chemical and biological analysis • Temperature Storage • Leakage • Water Immersion Testing • Durability • Corrosion • Drop	• Water quality must be verified by the local municipality or independent lab • Low and High Temperature Storage • Leakage • Water Immersion Testing • Durability • Corrosion • Drop	None. Testing requirements are the same, as under the ISO standard the water must satisfy international chemical and microbiological requirements. Concerning the water quality testing, the Coast Guard was unable to obtain any cost data from the laboratories.

Sources:

[a] "USCG Approval Guideline for Magnetic Compasses in Lifeboats/Rescue Boats," USCG Approval Series 160.014, December 2005.
[b] Section 160.044-4 https://www.gpo.gov/fdsys/pkg/CFR-2010-title46-vol6/pdf/CFR-2010-title46-vol6-sec160-044-4.pdf
[c] Section 160.043-5 *https://www.gpo.gov/fdsys/pkg/CFR-2010-title46-vol6/pdf/CFR-2010-title46-vol6-sec160-043-5.pdf*
[d] Section 160.041-5 *https://www.gpo.gov/fdsys/pkg/CFR-2010-title46-vol6/pdf/CFR-2010-title46-vol6-sec160-041-5.pdf*
[e] Section 160.054-5 *https://www.gpo.gov/fdsys/pkg/CFR-2010-title46-vol6/pdf/CFR-2010-title46-vol6-sec160-054-5.pdf*
[f] Documentation provided by subject matter experts in Coast Guard's Office of Design and Engineering Standards, Lifesaving & Fire Safety Division (CG-ENG-4).
[g] Documentation provided by subject matter experts from the CG-5214 Guide 26, in Coast Guard's Office of Design Engineering and Standards, Lifesaving & Fire Safety Division (CG-ENG-4).

Based on the information from the current subchapter Q ICR, we estimate that record-keeping takes 2 hours of clerical time per year and costs $58 (2 hours × $29 clerical staff loaded hourly wage rate). The Coast Guard is proposing to remove the requirements for testing records for seven types of equipment listed in this NPRM, as these manufacturers would no longer need these records to document that their product meet the requirements of the ISO 18813. Table 21 presents the total cost savings of about $1,392 to industry from removing requirements to keep records of laboratory testing. The total cost in columns (b) and (d), $58, is the loaded hourly wage of a record clerk, $29, multiplied by the estimated burden of work, 2hours, for fulfilling recordkeeping requirements. This table presents the baseline scenario burden and the post regulatory scenario burden and then presents the difference of the two burdens as cost savings.

Table 21: Annual Cost Savings to Manufacturers for Testing Recordkeeping Requirements

Equipment	CFR Approval Subpart	Baseline Scenario		Post Regulatory Scenario		Total Cost Savings
		Total Products	Total Cost	Total Products	Total Cost	
		(a)	(b)=(a)×$58	(c)	(d)=(c)×$58	(e) = (d)−(b)
Bilge pump	160.044	3	$174	0	$0	-$174
Compass	160.014	3	$174	0	$0	-$174
First-aid kit for Lifeboats	160.041	5	$290	0	$0	-$290
First-aid kit for Liferafts	160.054	3	$174	0	$0	-$174
Jackknife	160.043	1	$58	0	$0	-$58
Mirror, Signaling	160.020	3	$174	0	$0	-$174
Water	160.026	6	$348	0	$0	-$348
Total		**24**	**$1,392**	**0**	**$0**	**-$1,392**

Note: Totals may not sum due to rounding.

Laboratory Inspections

The Coast Guard currently requires inspectors to examine the manufacturing process in order to ensure that quality control is maintained throughout. This proposed rule would remove these requirements; however, the Coast Guard is unable to determine if this removal would generate any cost savings to industry. Manufacturers are likely to still have their production line inspected to ensure quality as part of best industry practices. Moreover, manufacturers may continue third-party testing to maintain certifications, such as the ISO 9001 standard, or to meet international regulatory obligations. At the time of this NPRM, the Coast Guard does not have enough information to quantify any potential changes in cost resulting from the changes in inspection requirements.

Additionally, the Coast Guard requires inspecting entities to issue annual reports to enable a comparison between the production line and the prototype tested by the Coast Guard.[30] We were able to estimate a cost savings that resulted from the removal of this reporting requirement using information from the subchapter Q ICR, which estimated that this recordkeeping takes 24 hours of clerical time per year on average and costs $696 (24 hours × $29 clerical wage rate). The Coast Guard proposes to remove this reporting requirement for all types of survival craft equipment. As shown in table 22, we estimate a total annual cost savings of approximately $16,008. This table presents the baseline scenario burden, the proposed post regulatory scenario burden, and the difference between the two as cost savings.

[30] While the Coast Guard currently requires testing for jackknives, it does not require laboratory inspections. Therefore, there are no cost savings to jackknives manufacturers for this proposed change.

Table 22: Annual Cost Savings for Laboratory Inspection Records						
Equipment	Approval Series	Baseline Scenario		Post Regulatory Scenario		Total Change in Cost
		Total Products	Total Cost	Total Products	Total Cost	
		(a)	(b) = (a)×$696	(c)	(d)=(c)×$696	(e)=(d)−(b)
Bilge pump	160.044	3	$2,088	0	$0	-$2,088
Compass	160.014	3	$2,088	0	$0	-$2,088
First-aid kit for Lifeboats	160.041	5	$3,480	0	$0	-$3,480
First-aid kit for Liferafts	160.054	3	$2,088	0	$0	-$2,088
Mirror, Signaling	160.020	3	$2,088	0	$0	-$2,088
Water	160.026	6	$4,176	0	$0	-$4,176
Total		**23**	**$16,008**	**0**	**$0**	**-$16,008**
Note: Totals may not sum due to rounding.						

Total Cost Savings to Manufacturers

Table 23 presents the annual total cost savings to equipment manufacturers. We estimate that manufacturers of Coast Guard-approved bilge pumps, lifeboats, compasses, first-aid kits, fishing kits, hatchets, jackknives, signaling mirrors, sea anchors, and emergency water would save approximately $20,537 per year.

Table 23: Total Annual Cost Savings to Equipment Manufacturers

Equipment	CFR Approval Series	Application and Marking Requirements	Instruction Requirements	Product Testing	Laboratory Inspections	Total Cost Savings
		(a)	(b)	(c)	(d)	(e) = (a)+(b)+(c)+(d)
Bilge pump	160.044	-$34	$0	-$174	-$2,088	-$2,296
Compass	160.014	-$34	-$325	-$174	-$2,088	-$2,621
First-aid kit for Lifeboats	160.041	-$57	-$628	-$290	-$3,480	-$4,455
First-aid kit for Liferafts	160.054	-$34	-$709	-$174	-$2,088	-$3,005
Fishing kit	160.061	-$11	-$83	$0	$0	-$94
Hatchet	160.013	-$144	$0	$0	$0	-$78
Jackknife	160.043	-$11	-$121	-$58	$0	-$190
Mirror, Signaling	160.020	-$34	-$831	-$174	-$2,088	-$3,127
Sea anchor	160.019	-$11	$0	$0	$0	-$11
Water	160.026	-$68	$0	-$348	-$4,176	-$4,592
Total		**-$440**	**-$2,697**	**-$1,392**	**-$16,008**	**-$20,537**

Note: Totals may not sum due to rounding.

Cost Savings to Vessel Owners or Operators

After gathering price data from a variety of sources, we estimate that removing approval requirements would allow owners and operators of vessels to purchase less expensive equipment.[31] While there are several companies selling Coast Guard-approved equipment, online information generally does not specify whether the equipment meets ISO 18813 or similar standards. As a result, we had difficulty finding price data for survival craft equipment products clearly stating they met ISO 18813 standards. However, we were able to identify prices for two products—emergency provisions and emergency water—that the manufacturer or advertiser explicitly stated met the requirements of the ISO 18813 standard.

We then applied percentage price difference between emergency water products and emergency provisions, which had both Coast Guard approval and met the requirements of ISO 18813, and those emergency provisions and water products that only met the requirements of ISO 18813.[32] On average, products without Coast Guard approval were approximately 28 percent[33] less expensive than products with Coast Guard approval.

We applied this 28-percent price decrease to all the products affected by this proposed rule, with the exception of first-aid kits, because the kit content requirements differ between the ISO standard and current Coast Guard standards, and we estimate the change in price for first-aid kits by the difference in replacement costs for first-aid kits. These differences are explained in further detail in the section, *First-Aid Kits,* in this RA. For this analysis, we quantified the cost savings to new vessels from being able to purchase less expensive equipment, and the cost

[31] To assess price data, we looked at online retailers of survival craft equipment. A search of online retailers revealed that equipment that was not type approved was less expensive than similar equipment that was type approved.

[32] Although provisions are not subject to changes in this NPRM, we still examined them for the purposes of price comparison as it provided a depth of data allowing us to comprise a more robust ratio.

[33] We calculated this 28 percent by finding the price differential for those products that were Coast Guard-type approved and those products that were not Coast Guard-approved, but met ISO standards.

savings to existing vessels of replacing expired items with less costly items. For durable items, without data to estimate how frequently these items are replaced, we are not able to estimate the cost savings to the owners and operators of existing vessels for purchasing replacement equipment that we estimate would be 28 percent cheaper. However, since emergency water and first-aid kits expire, we estimate the cost savings for purchasing replacement equipment for the owners and operators of both new and existing vessels based on how frequently this non-durable equipment must be replaced. This information is presented later in this analysis.

Durable Equipment: Bilge Pumps, Compasses, Fishing Kits, Hatchets, Jackknives, Mirrors, and Sea Anchors

As discussed in the previous paragraph, we estimate that only new vessels will purchase bilge pumps, compasses, fishing kits, hatchets, jackknives, mirrors, and sea anchors for their survival craft. Based on population estimates (presented in table 5), 14 new IBAs, 278 new liferafts, 46 new lifeboats, and 41 new rescue boats would be subject to this proposed rule each year. Table 7 lists the survival equipment that lifeboats, liferafts, rescues boats, and IBAs are required to carry. We multiply the populations in table 5 by the carriage requirements in table 7 to yield the total number of items purchased for new survival craft in table 25 below. For example, the Coast Guard requires new lifeboats to be equipped with bilge pumps, and there were 46 new lifeboats recorded in table 5, meaning there will be 46 purchases of new bilge pumps per year. [34] Only the new lifeboats with equipment packs for international voyages would require fishing kits (see table 7) and all new lifeboats and rescue boats would be equipped with compasses, for a total of 87 purchases of compasses each year. All 338 new IBAs, liferafts, and lifeboats are required to be equipped with mirrors. Finally, 271 liferafts with a SOLAS A or SOLAS B pack would be equipped with two sea anchors each. This proposed rule would require that 108 IBAs, lifeboats, rescue boats, and liferafts with coastal service packs each have one sea anchor.

Table 24 presents the annual cost savings from new vessels removing Coast Guard approval for bilge pumps, compasses, fishing kits, hatchets, jackknives, mirrors, and sea anchors. In total, we estimate an annual cost savings of approximately $99,696 for U.S.-flagged vessels by removing the type approvals for these seven types of survival craft equipment.

[34] The Coast Guard requires all non-self-bailing lifeboats and rescue boats to have bilge pumps. Based on discussions with subject matter experts in the Coast Guard Office of Design and Engineering Standards, Lifesaving & Fire Safety Division (CG–ENG–4), the Coast Guard estimates that all new lifeboats will be non-self-bailing and will therefore require bilge pumps, and all new rescue boats that are not also lifeboats will be self-bailing, and therefore will not require bilge pumps.

Table 24: Annual Cost Savings to New Vessels from Removing Coast Guard Approval for Bilge Pumps, Compasses, Fishing Kits, Hatchets, Jackknives, Mirrors, and Sea Anchors						
Equipment	Average Price of Coast Guard Approved Equipment	Estimated Equipment Price without Coast Guard Approval Requirements	Difference	Number of Survival Craft	Average number of Items per Survival Craft	Total Cost Savings
	(a)	(b)=(a)×0.72	(c) = (b)-(a)	(d)	(e)	(f)=(c)×(d)×(e)
Bilge pump	$276	$199	-$77	46	1	-$3,542
Compass	$1,250	$900	-$350	87	1	-$30,450
Fishing kit	$41	$30	-$11	38	1	-$418
Hatchet	$28	$20	-$8	46	2	-$736
Jackknife	$34	$24	-$10	46	1	-$460
Mirror, Signaling	$19	$14	-$5	338	1	-$1,690
Sea anchor (Liferafts with SOLAS A and SOLAS B packs)	$343	$247	-$96	271	2	-$52,032
Sea anchor (Other Survival Craft)	$343	$247	-$96	108	1	-$10,368
Total						**-$99,696**

Note:
Totals may not sum due to rounding. All product prices are rounded to the nearest whole dollar.

Jackknives as a Replacement for Can Openers

As specified in § 199.175(b)(5), the Coast Guard allows jackknives to meet the requirements of a can opener, thereby permitting jackknives to fulfill two requirements. In § 199.175, Table 1 to § 199–175 states that only lifeboats and rigid liferafts with SOLAS A packs require can openers, and only lifeboats may carry jackknives. This means that rigid liferafts with SOLAS A packs are currently carrying both knives and can openers. The proposed rule would allow these vessels to replace their knives with jackknives, resulting in a cost savings to vessel owners from being able to purchase only a jackknife instead of both a knife and a can opener. We estimate that there are a total of 179 new liferafts each year that carry SOLAS A packs and, further, assume that these vessel owners and operators would choose to replace a knife with a jackknife, thus forgoing the need to purchase a can opener.[35] We estimate the price of a can opener meeting the requirements of ISO 18813 to be $6.[36] Therefore, we estimate that vessel owners and operators would save $1,074 (179 SOLAS A liferafts × $6 per can opener) for no longer needing can openers because of meeting the jackknife requirements.

Emergency Water

The Coast Guard requires survival craft with SOLAS A packs be stocked with 3 liters of water per person, and that lifeboats with SOLAS B packs be stocked with 1.5 liters of water per person. We estimate the average cost of Coast Guard-approved water to be $4 per liter,[37] while the cost of 1 liter of emergency water that meets the ISO 18813 standard to be $3.[38] The price difference between the Coast Guard and ISO water is $1 per liter.[39] This is the estimated additional cost of Coast Guard approval, which is counted as cost savings. Emergency water expires and will need to be replaced every 5 years; therefore, the Coast Guard estimates that 20 percent of existing survival craft and 100 percent of new survival craft will need to purchase emergency water annually.

We estimate that industry would save a total of $183,939 on an annual basis

[35] We estimate the cost savings for only one can opener because the use of a jackknife will only fulfill the replacement requirement for one can opener.

[36] We calculated this by taking the average of 10 can opener products on the market that meet ISO 18813 requirements. The Coast Guard is proposing that can openers now meet the requirements of ISO 18813.

[37] We calculated this by taking the average of 14 emergency drinking water products on the market that were Coast Guard approved.

[38] We calculated this by taking the average of 14 available emergency drinking water products on the market that were compliant with ISO 18813 only.

[39] To calculate this, we took the average of emergency drinking water prices that were Coast Guard approved and subtracted them from emergency drinking water prices that need only meet the ISO standard.

(3,227 survival craft × 19 people per survival craft × 3 liters of water × -$1 cost savings) for survival craft with SOLAS A packs during Years 1 through 5 of implementation.[40] To calculate this cost savings, we took the 12,306 existing liferafts with SOLAS A packs and 2,744 lifeboats with international voyage packs (see table 10) for a total of 15,050 existing survival craft that are required to stock emergency water. We then estimated that 20 percent (100 percent of these survival craft ÷ 5 years) or 3,010 survival craft [(12,306 liferafts × 20 percent) + (2,744 lifeboats × 20 percent)] will replace their emergency water annually. Additionally, all 38 new lifeboats with international packs and 179 new liferafts with SOLAS A packs (see table 11) are required to buy emergency water. We summed these totals to get 3,227 survival craft that will need to purchase emergency water on an annual basis (3,010 existing survival craft + 38 new lifeboats + 179 new liferafts). Table 25 presents these cost savings.

In Years 6 through 10, there would be more cost savings because vessels will have entirely replaced their survival craft by Year 6, as described earlier in this proposed rule, therefore we estimate an annual cost savings of about $196,308 [3,444 survival craft (3227 + 217 new craft) × 19 people × 3 liters of water × -$1 cost savings] for survival craft with SOLAS A packs. Table 26 presents these cost savings.

[40] We calculated this by taking the average of the survival craft capacity for all survival craft. We retrieved this data from the MISLE database on November 11, 2019.

Table 25: Total Cost Savings for Coast Guard Approval for Reduced Prices in Emergency Water for SOLAS A Packs in Years 1 through 5

Years 1 through 5	Total Survival Craft (a)	New Lifeboats and Life rafts (b)	Total Survival Craft (c)=(a)+(b)	Average People per Survival Craft (d)	Liters of Water Required (e)	Total Water Needed in Liters (f) = (c)×(d)×(e)	Cost of Water (g)	Total Cost Savings (h) = (g) × (f)
Baseline	3,010	217	3,227	19	3	183,939	$4	$735,756
Post Regulatory	3,010	217	3,227	19	3	183,939	$3	$551,817
Change				**0**	**0**	**0**	**-$1**	**-$183,939**

Note: Totals may not sum due to rounding.

Table 26: Total Cost Savings for Coast Guard Approval for Reduced Prices in Emergency Water for SOLAS A Packs in Years 6 through 10

Years 6 through 10	Total Liferafts and Lifeboats (a)	New Lifeboats and Liferafts (b)	Total Lifecraft (c)=(a)+(b)	Person per Life Saving Craft (d)	Liters of Water Required (e)	Total Water Needed in Liters (f)= (c)×(d)×(e)	Cost of Water (g)	Total Cost Savings (h)=(g)×(f)
Baseline	3,227	217	3,444	19	3	196,308	$4	$785,232
Post Regulatory	3,227	217	3,444	19	3	196,308	$3	$588,924
Change				**0**	**0**	**0**	**-$1**	**-$196,308**

Note: Totals may not sum due to rounding.

We used the same methodology when calculating the number of SOLAS A packs in Years 1 through 10 of implementation in order estimate the total costs savings for survival craft with SOLAS B packs. There are a total of 728 existing liferafts with SOLAS B packs (see table 10). We estimate that 20 percent of these survival craft or 146 survival craft (728 lifeboats × 20 percent) will replace their emergency water annually. Additionally, all 8 new lifeboats with SOLAS B packs are required to buy emergency water, for a total of 154 survival craft (146 lifeboats + 8 new lifeboats) purchasing emergency water in Years 1 through 5. In Years 6 through 10, the number of existing lifeboats will increase by eight to account for the new vessels that will be built in Years 1 through 5 (154) for a total of 162 survival craft (154 existing survival craft + 8 new lifeboats).

The cost savings for survival craft with SOLAS B packs purchasing emergency water would be approximately $4,389 (154 survival craft

× 19 people × 1.5 liters of water × -$1 cost savings) in Years 1 through 5 and approximately $4,617 (162 survival craft × 19 people × 1.5 liters of water × -$1 cost savings) in Years 6 through 10. Table 27 presents these cost savings in Years 1 through 5 of implementation, and table 28 presents these cost savings in Years 6 through 10 of implementation.

Table 27: Total Cost Savings for Coast Guard Approval for Reduced Prices in Emergency Water for SOLAS B packs in Years 1 through 5

Water Years 1 – 5	New Liferafts (a)	New Lifeboats (b)	Total new Survival Craft (c)=(a)+(b)	Person per Life Saving Craft (d)	Liters of Water Required (e)	Total Water (f)=[(c)×(d)×(e)]	Cost (g)	Total Cost Savings (h)=(f)×(g)
Baseline	146	8	154	19	1.5	4,389	$4	$17,556
Post Regulatory	146	8	154	19	1.5	4,389	$3	$13,167
Change	**0**	**0**	**0**	**0**	**0**	**0**	**-$1**	**-$4,389**

Note: Totals may not sum due to rounding.

Table 28: Total Cost Savings for Coast Guard Approval for Reduced Prices in Emergency Water for SOLAS B packs in Years 6 through 10

Water Years 6 – 10	New Liferafts (a)	New Lifeboats (b)	Total new Survival Craft (c)=(a)+(b)	Person per Life Saving Craft (d)	Liters of Water Required (e)	Total Water (f)=[(c)×(d)×(e)]	Cost (g)	Total Cost Savings (h)=(f)×(g)
Baseline	154	8	162	19	1.5	4,617	$4	$18,468
Post Regulatory	154	8	162	19	1.5	4,617	$3	$13,851
Change	**0**	**0**	**0**	**0**	**0**	**0**	**-$1**	**-$4,617**

Note: Totals may not sum due to rounding.

Table 29 presents the total annualized cost savings to vessel owners and operators from removing Coast Guard approval requirements for emergency water. The Coast Guard estimates an annualized cost savings of about $193,571 with a 7-percent discount rate ($194,162 with 3-percent discount rate).

Table 29: Total Cost Savings to Vessels from Removing Coast Guard Approval for Reduced Prices in Emergency Water					
Year	Cost Savings for Vessels with SOLAS A Packs	Cost Savings for Vessels with SOLAS B Packs	Total Cost Savings	Annualized Cost Savings	
				3%	7%
(a)	(b)	(c)	(d)=(b)+(c)	(e)=(d)÷1.03[(a)]	(f)=(d)÷1.07[(a)]
1	-$183,939	-$4,389	-$188,328	-$182,843	-$176,007
2	-$183,939	-$4,389	-$188,328	-$177,517	-$164,493
3	-$183,939	-$4,389	-$188,328	-$172,347	-$153,732
4	-$183,939	-$4,389	-$188,328	-$167,327	-$143,675
5	-$183,939	-$4,389	-$188,328	-$162,453	-$134,275
6	-$196,308	-$4,617	-$200,925	-$168,272	-$133,885
7	-$196,308	-$4,617	-$200,925	-$163,370	-$125,126
8	-$196,308	-$4,617	-$200,925	-$158,612	-$116,940
9	-$196,308	-$4,617	-$200,925	-$153,992	-$109,290
10	-$196,308	-$4,617	-$200,925	-$149,507	-$102,140
Total	**-$1,901,235**	**-$45,030**	**-$1,946,265**	**-$1,656,240**	**-$1,359,563**
Annualized				**-$194,162**	**-$193,571**
Note: Totals may not sum due to rounding.					

First-Aid Kits

The Coast Guard is proposing to modify the requirements for first-aid kits so that all survival craft would need to meet the standards outlined in ISO 18813. In addition to removing the testing requirements for the kits, this proposed change would modify the required contents of first-aid kits, by removing the requirements for some items, adding additional items, or changing the number of mandatory items. Since items within the kits expire and need to be replaced, the proposed change would impact both new and existing vessels including small passenger vessels described in the section *Subchapter K and Subchapter T* in this preamble. Table 30 highlights these differences in the first-aid kit requirement. Due to the differences in the first-aid kits, we estimated the cost of purchasing each of the individual items in the kit.

Table 30: Crosswalk of First-Aid Kit Content Requirements			
Item	Number of Items Required		
	Lifeboats and Rescue Boat Requirements under §160.041-4	Liferaft and IBA Requirements under §160.054-4	ISO 18813 Requirements
Adhesive Plasters	32 - 1" waterproof bandages	16 - 1" waterproof bandages	20 – bandages in assorted sizes
Ammonia Inhalants	10	10	0
Analgesic Medication	50 doses	20 doses	48 doses
Antiseptic Preparations	10 – iodine swabs	10 – iodine swabs	10 applications
Burn Preparations	0	0	12 applications
Compression Bandage (for wounds)	5 – 4" bandages 8 – 2" bandages	1 – 4" bandage 4 – 2" bandages	10 sterile bandages in assorted sizes
Compression Bandage (for securing splints, dressings, etc.)	2 – 2" by 6 yard bandages	2 – 2" by 6 yard bandages	4 meters (4.4 yards) of adhesive elastic bandage
Eye Dressing Packet	3	3	0
Instructions	1	1	1
Sterile Gauze Compress	12 – 3" x 18" compresses	4 – 3" x 18" compresses	2
Tourniquet, with forceps, scissors and pins	1,1,1, and 12 respectively	1,1,1, and 12 respectively	0
Triangle Bandage	3 – 40" bandages	0	2
Waterproof Container	1	1	1
Wire Splint	1	1	0

First-Aid Kits for Lifeboats and Rescue Boats

We estimate that new vessels with lifeboats or rescue boats will have a cost savings as a result of the proposed changes to first-aid kits because we estimate that first-aid kits that meet the proposed standard are $40 less expensive than Coast Guard-approved kits under approval series 160.041. We estimate that a total of 87 new lifeboats and rescue boats will purchase a first-aid kit each year for a total costs savings of approximately $3,480 (87 survival craft × -$40 cost savings).

The Coast Guard is not requiring existing vessels to replace their current kits; however, existing vessels must replace medication and ointments within the kits by their expiration date. Currently, vessels must replace their iodine swabs, pain relief medication, and eye ointment, which we estimate costs about $19 per kit.[41] We calculated the cost per kit by taking the average price for 10 different iodine swab products, 12 different pain relief medication, and 8 different eye ointments. Under the proposed rule, these vessels would no longer have to replace eye ointment, and would need to replace fewer doses of pain relief medication. Additionally, vessel operators would be able to replace iodine swabs with less expensive antiseptic preparation. However, under this proposed rule, vessels would incur an additional cost from replacing the burn cream in the kits, as required by ISO 18813 shown above in table 30. We estimate the cost of replacing these items to be $19, meaning the proposed change is cost neutral to existing vessels with lifeboat first-aid kits.[42]

First-Aid Kits for Liferafts and IBAs

We estimate that first-aid kits that meet the requirements of ISO 18813 will be, on average, $1 less expensive than the Coast Guard-approved kits for liferafts and IBAs.[43] All 271 new liferafts and all 14 new IBAs would need to be equipped with the kits each year for an annual cost savings of $285 (285 survival craft × − $1 cost saving).[44] Liferaft first-aid kits are sealed in plastic bags, and most drugs expire within a 2- to 3-year timeframe. Vessel owners and operators have to replace the entire first-aid kit with a brand new kit after using even one item. Once the packaging for the kit is opened, the majority of items in it will have the same expiration date, not just the individual item.[45] Therefore, the Coast Guard estimates that vessels will replace the items in their first-aid kits once they have expired, every 2.5 years (average of 2 and 3 years), and this process occurs during the annual servicing at an approved servicing facility.

We calculate that 40 percent (one replacement every 2.5 years) of vessels would replace these items annually. Forty percent of all existing 2,142 IBAs and 24,097 liferafts [table 10 (sum of the totals for SOLAS A and SOLAS B for

[41] ISO 18813 uses the specific language of Analgesic and Ophthalmic when describing the medication in the first-aid kits. Refer to the appendix titled "Appendix B: Product Prices" in the docket folder for more information on product prices for these items that comprise the first-aid kit.

[42] The Coast Guard used the same price estimation for the average cost of these items as the cost it would take to replace them.

[43] The Coast Guard took the average price of six Coast Guard approved first-aid kits and subtracted it from an average of six first-aid kits that met ISO standards.

[44] There are 278 liferafts affected by this rule, but those requiring SOLAS A and B packs (271 liferafts) will be required to have first-aid kits.

[45] We contacted a liferaft servicing firm to determine how the expired items in liferaft and lifeboat first-aid kits are replaced.

inflatable liferafts columns)] would be 10,496 survival craft [(2,142 IBAs × 40 percent) + (24,097 liferafts × 40 percent)]. Beginning in Year 3, the new survival craft from Year 1 would need to replace their kits for a total of 10,781 survival craft (10,496 existing survival craft + 285 survival craft built in Year 1). In Year 4, the new survival craft from Year 2 would need to replace their kits, but those from Year 1 would not need to do this since they would have replaced their aid kits in the prior year. Therefore, the total needing to replace first-aid kits would still be 10,781 survival craft (10,496 existing survival craft + 285 survival craft built in Year 2). In Year 5, the survival craft built in Year 1 and Year 3 would replace their kits for a total of 11,066 survival craft (10,496 existing survival craft + 285 survival craft built in Year 1 + 285 survival craft built in Year 3). This pattern continues over the 10-year analysis period. In conclusion, we estimate the total annualized cost savings from removing Coast Guard approval for liferaft first-aid kits would be $9,283 with a 7-percent discount rate as shown in table 31.

Table 31: Total Cost Savings to Vessels from Removing Coast Guard Approval Requirements for First-Aid Kits in Liferafts and IBAs

Year	Cost Savings to New Vessels	Cost Savings for Replacement Kits			Total Cost Savings	Annualized Cost Savings	
		Total Survival Craft Replacing Kits	Cost Savings for Replacement	Total Cost Savings for Replacements		3%	7%
(a)	(b)	(c)	(d)	(e)=(c)×(d)	(f)=(b)+(e)	(g)=(f)÷1.03[a]	(h)=(f)÷1.07[a]
1	-$285	10,496	-$1	-$10,496	-$10,781	-$10,467	-$10,076
2	-$285	10,496	-$1	-$10,496	-$10,781	-$10,162	-$9,417
3	-$285	10,781	-$1	-$10,781	-$11,066	-$10,127	-$9,033
4	-$285	10,781	-$1	-$10,781	-$11,066	-$9,832	-$8,442
5	-$285	11,066	-$1	-$11,066	-$11,351	-$9,791	-$8,093
6	-$285	11,066	-$1	-$11,066	-$11,351	-$9,506	-$7,564
7	-$285	11,351	-$1	-$11,351	-$11,636	-$9,461	-$7,246
8	-$285	11,351	-$1	-$11,351	-$11,636	-$9,186	-$6,772
9	-$285	11,636	-$1	-$11,636	-$11,921	-$9,136	-$6,484
10	-$285	11,636	-$1	-$11,636	-$11,921	-$8,870	-$6,060
Total						**-$96,539**	**-$79,187**
Annualized						**-$11,317**	**-$9,283**

Note: Totals may not sum due to rounding.

First-Aid Kits for Small Passenger Vessels (Subchapters K and T)

This NPRM would also remove Coast Guard approval requirements for first-aid kits aboard small passenger vessels, which the Coast Guard regulates under subchapters K and T. Small passenger vessels are currently required to have first-aid kits approved under approval series 160.041; therefore, we used the same cost savings estimates for replacing first-aid kits in the section titled *First-Aid Kits for Lifeboats and Rescue Boats.* This comes to $41 per first-aid kit. The Coast Guard applied these estimates to small passenger vessels which will no longer need Coast Guard approval for the first-aid kits aboard the vessels themselves. Using data from MISLE, we estimate there would be 101 new small passenger vessels every year. All of the 101 new passenger vessels will need to be equipped with first-aid kits each year for an annual cost savings of $4,141.

Total Cost Savings to Vessel Owners and Operators

Table 32 presents the annual undiscounted total cost savings to vessel owners and operators by equipment type, and table 33 presents the total annualized cost savings. We estimate the total undiscounted costs savings to vessel owners and operators at $3.16 million over a 10-year period of analysis, with an annualized total cost savings of about $315,196 discounted at 7 percent ($315,829 with a 3-percent discount rate).

Table 32: Total Cost Savings to Vessel Owners and Operators

Year	Bilge pump	Compass	First-Aid Kits for Lifeboats	First-Aid Kits for Liferafts	First-Aid Kits for SPVs	Fishing Kit	Jackknife*	Mirrors	First-Aid Kits for Subchapter K & T	Sea Anchor	Water	Total Cost Savings
1	-$3,542	-$30,450	-$3,567	-$10,781	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$188,328	-$309,459
2	-$3,542	-$30,450	-$3,567	-$10,781	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$188,328	-$309,459
3	-$3,542	-$30,450	-$3,567	-$11,066	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$188,328	-$309,744
4	-$3,542	-$30,450	-$3,567	-$11,066	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$188,328	-$309,744
5	-$3,542	-$30,450	-$3,567	-$11,351	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$188,328	-$310,029
6	-$3,542	-$30,450	-$3,567	-$11,351	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$200,925	-$322,626
7	-$3,542	-$30,450	-$3,567	-$11,636	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$200,925	-$322,911
8	-$3,542	-$30,450	-$3,567	-$11,636	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$200,925	-$322,911
9	-$3,542	-$30,450	-$3,567	-$11,921	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$200,925	-$323,196
10	-$3,542	-$30,450	-$3,567	-$11,921	-$418	-$736	-$3,406	-$1,690	-$4,141	-$62,400	-$200,925	-$323,196
Total	**-$35,420**	**-$304,500**	**-$35,670**	**-$113,510**	**-$4,180**	**-$7,360**	**-$34,060**	**-$16,900**	**-$41,410**	**-$624,000**	**-$1,946,265**	**-$3,163,275**

Note: Totals may not sum due to rounding.

*Includes the estimated cost savings from both removing Coast Guard approval for jackknives and allowing vessels to replace knives with jackknives and the cost savings of no longer needing one can opener for SOLAS A liferafts.

Table 33: Annualized Cost Savings to Vessel Owners and Operators

Year	Total Cost Savings	Annualized Cost Savings	
		3%	7%
(a)	(b)	(c)=(b)÷1.03[(a)]	(d)=(b)÷1.07[(a)]
1	-$309,459	-$300,446	-$289,214
2	-$309,459	-$291,695	-$270,293
3	-$309,744	-$283,460	-$252,843
4	-$309,744	-$275,204	-$236,302
5	-$310,029	-$267,434	-$221,046
6	-$322,626	-$270,194	-$214,979
7	-$322,911	-$262,556	-$201,093
8	-$322,911	-$254,909	-$187,937
9	-$323,196	-$247,703	-$175,797
10	-$323,196	-$240,488	-$164,296
Total	-$3,163,275	-$2,694,088	-$2,213,802
Annualized		-$315,829	-$315,196
Note: Totals may not sum due to rounding.			

Total Cost Savings to Industry

Table 34 presents the total annualized costs savings to industry over the 10-year period. At a 7-percent discount rate ($336,367 cost savings with a 3-percent discount rate), the cost savings is approximately $335,733.

Table 34: Total Annualized Cost Savings to Industry					
Year	Total Cost Savings to Manufacturers*	Total Cost Savings to Vessels**	Total Cost Savings	Annualized Cost Savings	
				3%	7%
(a)	(b)	(c)	(d) = (b) + (c)	(e)=(d)÷1.03[(a)]	(f)=(d)÷1.07[(a)]
1	-$20,537	-$309,459	-$329,996	-$320,385	-$308,408
2	-$20,537	-$309,459	-$329,996	-$311,053	-$288,232
3	-$20,537	-$309,744	-$330,281	-$302,254	-$269,608
4	-$20,537	-$309,744	-$330,281	-$293,451	-$251,970
5	-$20,537	-$310,029	-$330,566	-$285,149	-$235,689
6	-$20,537	-$322,626	-$343,163	-$287,394	-$228,664
7	-$20,537	-$322,911	-$343,448	-$279,255	-$213,882
8	-$20,537	-$322,911	-$343,448	-$271,121	-$199,890
9	-$20,537	-$323,196	-$343,733	-$263,443	-$186,968
10	-$20,537	-$323,196	-$343,733	-$255,770	-$174,737
Total	**-$205,373**	**-$3,163,275**	**-$3,368,648**	**-$2,869,275**	**-$2,358,048**
Annualized				**-$336,367**	**-$335,733**

Note: Totals may not sum due to rounding.
* Table 23
** Table 32

Federal Government Cost Savings

We estimate that this proposed rule would reduce costs to the Federal Government, since the Coast Guard would no longer review COA applications, application renewals, or inspection reports for the equipment that is subject to this proposed rule. The Coast Guard does not anticipate that this proposed rule would generate any cost savings from vessels inspections, as the proposed rule does not modify any inspection requirements.

Equipment Approval

In addition to generating a cost savings to industry by removing COA application requirements, this proposed rule would also create a cost savings to the Federal Government, as Coast Guard staff will no longer review new COA applications and renewals. The 2018 Commandant Instruction 7310.1T estimates that it takes 24 hours of a GS–14's time to review each new application and 4 hours to review each renewal.[46] We estimate the cost of reviewing a new application at $2,520 per applicant (24 hours × $105) and the cost for reviewing a renewal application at $420 per renewal (4 hours × $105). In table 36, the cost of reviewing a new application is captured in column (b) and the cost of a renewal application is captured in column (d). In total, we estimate the Federal Government will save $4,312 each year due to this proposed rule removing the requirements of having to review COA applications.

[46] To see the hourly government rates for personnel, please reference the ''Hourly Rates For Personnel ($)'' table on page 2 of enclosure (2): *https://www.uscg.mil/Portals/0/NPFC/docs/7310/Cl_7310_1T.pdf?ver=2019-01-28-080829-207*

Table 35: Annual Cost Savings to Federal Government for No Longer Having to Review New and Renewal Certificate of Approval Applications

Equipment	CFR Approval Series	New Applications		Renewal Applications		Total Change in Cost = Total Cost Savings
		Total Number of Applications	Total Cost	Total Number of Applications	Total Cost	
		(a)	(b)=(a)× [-$2,520]	(c)	(d)=(c)×[-$420]	(e) = (b)+(d)
Bilge pump	160.044	0.09	-$227	0.60	-$252	-$479
Compass	160.014	0.09	-$227	0.60	-$252	-$479
First-aid kit for Lifeboats	160.041	0.15	-$378	1	-$420	-$798
First-aid kit for Liferafts	160.054	0.09	-$227	0.60	-$252	-$479
Fishing kit	160.061	0.03	-$76	0.20	-$84	-$160
Hatchet	160.013	0.03	-$76	0.20	-$84	-$160
Jackknife	160.043	0.03	-$76	0.20	-$84	-$160
Mirror, Signaling	160.020	0.09	-$227	0.60	-$252	-$479
Sea anchor	160.019	0.03	-$76	0.20	-$84	-$160
Water	160.026	0.18	-$454	1.20	-$504	-$958
Total	-	-	**-$2,044**	-	**-$2,268**	**-$4,312**

Note: Totals may not sum due to rounding.

Laboratory Inspections

The Coast Guard currently requires manufacturers to submit an annual report with the results of laboratory inspections, allowing the Coast Guard to ensure the production stock of the equipment will be identical to those originally tested and approved by the Coast Guard. This NPRM would remove this reporting requirement for the equipment subject to the proposed rule, removing the need for the Coast Guard to review these reports. We were unable to obtain data about the costs related to laboratory inspections. We request information and comments from the general public and interested stakeholders regarding information on data related to laboratory inspection costs.

We estimate that it takes approximately 2 hours of a GS–14 senior engineer's time to review each report, costing $210 (2 hours × $105). Table 36 presents the total annual cost saving to the Federal Government for no longer having to review laboratory inspection reports. We estimate these costs would be $4,830 per year.

Table 36: Annual Federal Government Cost Savings for No Longer Having to Review Laboratory Inspection Records

Equipment	CFR Approval Series	Baseline Scenario		Post Regulatory Scenario		Total Change in Cost = Total Cost Savings
		Total Products	Total Cost	Total Products	Total Cost	
		(a)	(b)=(a)×$210	(c)	(d)=(c)×$210	(e)=(d)-(b)
Bilge pump	160.044	3	$630	0	$0	-$630
Compass	160.014	3	$630	0	$0	-$630
First-aid kit for Lifeboats	160.041	5	$1,050	0	$0	-$1,050
First-aid kit for Liferafts	160.054	3	$630	0	$0	-$630
Mirror, Signaling	160.020	3	$630	0	$0	-$630
Water	160.026	6	$1,260	0	$0	-$1,260
Total		**23**	**$4,830**	0	0	**-$4,830**

Note: Totals may not sum due to rounding.

Total Federal Government Savings

Table 37 presents the total annual cost savings to the Federal Government. In total, the Coast Guard estimates this proposed rule to generate a cost savings of approximately $9,142 per year.

Table 37: Total Annual Cost Savings to the Federal Government					
Equipment	**CFR Approval Series**	**New Applications Avoided**	**Renewed Applications Avoided**	**Avoided Inspection Reports**	**Total Cost Savings**
		(a)	**(b)**	**(d)**	**(d) = (a)+(b)+(c)**
Bilge pump	160.044	-$227	-$252	-$630	**-$1,109**
Compass	160.014	-$227	-$252	-$630	**-$1,109**
First-aid kit for Lifeboats	160.041	-$378	-$420	-$1,050	**-$1,848**
First-aid kit for Liferafts	160.054	-$227	-$252	-$630	**-$1,109**
Fishing kit	160.061	-$76	-$84	$0	**-$160**
Hatchet	160.013	-$76	-$84	$0	**-$160**
Jackknife	160.043	-$76	-$84	$0	**-$160**
Mirror, Signaling	160.020	-$227	-$252	-$630	**-$1,109**
Sea anchor	160.019	-$76	-$84	$0	**-$160**
Water	160.026	-$454	-$504	-$1,260	**-$2,218**
Total		**-$2,044**	**-$2,268**	**-$4,830**	**-$9,142**
Note: Totals may not sum due to rounding.					

Change in Safety

Many of the current requirements for survival craft equipment were developed in the 1950s and 1960s and have not been significantly updated since they were initially published. Upon a thorough review of these requirements, Coast Guard enforcement procedures, current maritime industry practice, and the availability of new international standards, we have determined that the additional scrutiny of the Coast Guard type approval does not increase or decrease the safety for the equipment subject to this proposed rule. For these nine types of survival craft equipment, the current Coast Guard type approval requirements are outdated and overly prescriptive. Therefore, the Coast Guard anticipates that by having equipment meet international standards, as opposed to Coast Guard standards, there would be no decrease in the level of safety in the maritime environment.

Benefits

There are non-monetary benefits to owners and operators of vessels with survival craft in having a larger selection of equipment to choose from allowing for potential operational flexibility.

No Cost Changes

This proposed rule would also implement several changes with no cost impacts. The vast majority of these changes are the result of modifying the current lifeboat equipment requirements for sailing school vessels as stated in § 169.527 to align them with the requirements stated in § 199.175. Table 38 summarizes these changes.

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts				
Equipment	**CFR Subpart/Section(s)**	**Affected Population**	**Proposed Changes**	**Basis for No Cost**
Bailer	§ 169.529(a)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirements that bailers in lifeboats on sailing school vessels meet the requirements of § 169.529(a) and instead proposes they must meet the requirements of § 199.175(b)(1).	This is an administrative change that allows the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(a) and 199.175(b)(1) are identical.
Boathooks	§ 169.529(c)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirements that boathooks in lifeboats on sailing school vessels meet the prescribed design requirements of § 169.529(c) and instead proposes they must meet the requirements of § 199.175(b)(3) and be designed to minimize the possibility of damage.	Sections 169.529(c) and 199.175(b)(3) set different standards for boathooks; however, only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Can Openers	§ 199.175(b)(5)	All U.S.-flagged Vessels with Lifeboats or Liferafts with SOLAS A packs	Proposes that can openers meet the standards of ISO 18813.	ISO 18813 requires that can openers in liferafts be of the safety type. The Coast Guard estimates that all liferafts are currently equipped with either a safety can opener or a can opener within the jackknife; therefore, this change poses no additional cost to industry.
Cover, Protecting	§ 169.529(ll)	New U.S.-flagged Sailing School Vessels with Lifeboats	Proposes that fully enclosed lifeboats on sailing school vessels do not need to be equipped with a cover.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period. In addition, fully enclosed lifeboats do not require a cover; therefore, it is likely they are not

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts				
Equipment	**CFR Subpart/Section(s)**	**Affected Population**	**Proposed Changes**	**Basis for No Cost**
				equipped with one under the baseline.
Ditty Bag	§ 169.529(f)	New U.S.-flagged Sailing School Vessels with Lifeboats	Proposes that motor propelled lifeboats on sailing school vessels no longer need to carry a ditty bag.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Drinking Cups	§ 169.529(g)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirements that drinking cups in lifeboats on sailing school vessels meet the requirements of § 169.529(g) and instead proposes they must meet the requirements of § 199.175(b)(8).	This is an administrative change that allows the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(g) and 199.175(b)(8) are identical.
Fire Extinguisher	§ 169.529(h), § 199.175(b)(9)	All New U.S.-flagged Vessels with IBAs, Liferafts, Lifeboats, or Rescue Boats	Updates fire extinguisher rating names from B-C, size II to 40-B to match other regulatory text in Title 46 CFR.	This proposed change would not require fire extinguishers meet any different requirements as laid out in the final rule, "Harmonization of Standards for Fire Protection, Detection and Extinguishing Equipment" (81 FR 482200 July 22, 2016), only that they have a label. A review of portable marine fire extinguishers found that both the Coast Guard and UL ratings are currently provided for each product.
First-Aid Kits	§ 121.710 § 160.010-3(e)(7)(ii) Subpart 160.041 Subpart 160.054 § 160.151-21(h) § 169.529(i) § 184.710 § 199.050(c)	All U.S.-flagged Vessels with IBAs, Liferafts with a SOLAS A or B pack, Lifeboats, or Rescue Boats. All small passenger vessels in subchapters K and T	All medicinal products within the first-aid kits must conform to the latest edition of the U.S. Pharmacopoeia	The Coast Guard estimates that, under the baseline, all medicinal products meet U.S. Pharmacopoeia standards. The Coast Guard did an extensive inquiry to ensure that the medicinal products were Food

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts				
Equipment	**CFR Subpart/Section(s)**	**Affected Population**	**Proposed Changes**	**Basis for No Cost**
	§ 199.175(b)(10)			and Drug Administration (FDA) compliant.
Flashlights	§ 169.529(j)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that flashlights in lifeboats on sailing school vessels meet the prescribed design requirements of § 169.529(j) and instead proposes they must meet the requirements of § 199.175(b)(12) and be constructed and marked according to the American Society for Testing and Materials' ASTM F 1014 standard already incorporated by reference in that section.	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards.
Heaving Lines	§ 169.529(l)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that heaving lines on lifeboats on sailing school vessels meet the requirements of § 169.529(l) and instead proposes they must meet the requirements of § 199.175(b)(14).	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(l) and 199.175(b)(14) are identical.
Ladder	§ 169.529(n)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that ladders on lifeboats on sailing school vessels meet the requirements of § 169.529(n) and instead proposes they must meet the requirements of § 199.175(b)(18).	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(n) and 199.175(b)(18) are identical.
Lanterns	§ 169.529(o)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that lifeboats on sailing school vessels carry lanterns.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Lifelines	§ 169.529(p)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes lifeline standards from § 169.529(p).	This is an administrative change, as lifelines are not survival craft equipment and are instead regulated as part of the lifeboat design requirements under § 160.135-7.

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts				
Equipment	**CFR Subpart/Section(s)**	**Affected Population**	**Proposed Changes**	**Basis for No Cost**
Life Preservers	§ 169.529(q)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that lifeboats on sailing school vessels carry two additional life preservers in their lifeboat.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Lockers	§ 169.529(r)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that lifeboats on sailing school vessels have lockers for the storage of small items.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Mast and Sail	§ 169.529(s)	New U.S.-flagged Sailing School Vessels with Lifeboats	Clarifies that motor propelled lifeboats on sailing school vessels do not need to carry a mast or sails.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period. In addition, motorized boats do not require a mast or sails; therefore, they are not equipped with them under the baseline.
Matches	§ 169.529(t)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that lifeboats on sailing school vessels carry matches.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Oars	§ 169.529(v)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that oars on lifeboats on sailing school vessels meet the requirements of § 169.529(v) and instead proposes they must meet the requirements of § 199.175(b)(20). In addition	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts				
Equipment	**CFR Subpart/Section(s)**	**Affected Population**	**Proposed Changes**	**Basis for No Cost**
			the Coast Guard is proposing to modify the number of required oars from four rowing and one steering, to the number required by the manufacturer.	requirements of §§ 169.529(v) and 199.175(b)(20) are identical. There are no cost savings because there are no sailing school vessels with lifeboats. In addition, only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Oil, Illuminating	§ 169.529(w)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that lifeboats on sailing school vessels carry illuminating oil for lanterns.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Oil, Storm	§ 169.529(x)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that lifeboats on sailing school vessels carry storm oil to calm the seas.	Only new U.S.-flagged sailing school vessels would be impacted by the proposed change, and the Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period.
Painters	§ 169.529(y)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that painters on lifeboats on sailing school vessels meet the requirements of § 169.529(y) and instead proposes they must meet the requirements of § 199.175(b)(21).	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(n) and 199.175(b)(18) are identical.
Plug	§ 169.529(z)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes plug standards from § 169.529(z).	This is an administrative change, as plugs are not survival craft equipment and are, instead,

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts

Equipment	CFR Subpart/Section(s)	Affected Population	Proposed Changes	Basis for No Cost
				regulated as part of the lifeboat design requirements under § 160.135-7
Provisions	Subpart 160.046	All manufacturers of Coast Guard-approved provisions	Adds to the scope: emergency provisions approved to be carried in lifeboats and liferafts. These provisions meet the IMO recommendations for emergency food rations.	This is an administrative change, as the proposed rule would update § 199.175(b)(22) and add regulatory text to subpart 160.046 stating that the provisions or food rations must comply with ISO 18813 paragraph 4.31, which is the same as the current standard.
Rowlocks	§ 169.529(bb)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that rowlocks on lifeboats on sailing school vessels meet the requirements of § 169.529(bb) and instead proposes they must meet the requirements of § 199.175(b)(20).	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(bb) and 199.175(b)(20) are identical.
Rudder and Tiller	§ 169.529(cc)	New U.S.-flagged Sailing School Vessels with Lifeboats	Removes rudder and tiller standards from § 169.529(cc), which state the rudder and tiller must be constructed according to § 169.035-3(f).	This is an administrative change, as § 169.035-3(f) was removed previously from the CFR, and the section no longer exists.
Signals, Distress Floating Orange Smoke	§ 169.529(ee)	New and Existing U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that distress floating orange smoke signals on lifeboats on sailing school vessels meet the requirements of § 169.529(ee) and instead proposes they must meet the requirements of § 199.175(b)(30).	The proposed change would apply to both new U.S.-flagged sailing school vessels with lifeboats, and existing sailing school vessels with lifeboats, as these vessels would have to replace their smoke signals after they expire. The Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period. In addition, there are no existing sailing school vessels with lifeboats; therefore, no existing vessels

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts				
Equipment	**CFR Subpart/Section(s)**	**Affected Population**	**Proposed Changes**	**Basis for No Cost**
				would be impacted by the proposed change.
Signals, Distress Red Hand Flare	§ 169.529(ff)	All U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that distress red hand flare signals on lifeboats on sailing school vessels meet the requirements of § 169.529(ff) and instead proposes they must meet the requirements of § 199.175(b)(31).	The proposed change would apply to both new U.S.-flagged sailing school vessels with lifeboats, and existing sailing school vessels with lifeboats, as these vessels would have to replace their smoke signals after they expire. The Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period. In addition, there are no existing sailing school vessels with lifeboats; therefore, no existing vessels would be impacted by the proposed change.
Signals, Distress Red Parachute Flare	§ 169.529(gg)	All U.S.-flagged Sailing School Vessels with Lifeboats	Removes requirement that distress red parachute flares on lifeboats on sailing school vessels meet the requirements of § 169.529(gg) and instead proposes they must meet the requirements of § 199.175(b)(32).	The proposed change would apply to both new U.S.-flagged sailing school vessels with lifeboats and existing sailing school vessels with lifeboats, as these vessels would have to replace their smoke signals after they expire. The Coast Guard estimates that no new U.S.-flagged sailing school vessels will be built during the analysis period. In addition, there are no existing sailing school vessels with lifeboats; therefore, no existing vessels would be impacted by the proposed change.

Table 38: Summary of Proposed Regulatory Changes with No Cost Impacts

Equipment	CFR Subpart/Section(s)	Affected Population	Proposed Changes	Basis for No Cost
Table of Lifesaving Signals	§ 169.529(mm)	New U.S.-flagged Sailing School Vessels with IBAs, Liferafts, Lifeboats, or Rescue Boats	Removes requirement that table of lifesaving signals on lifeboats on sailing school vessels meet the requirements of § 169.529(mm) and instead proposes they must meet the requirements of § 199.175(b)(36).	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(mm) and 199.175(b)(36) are identical.
Tool Kit	§ 169.529(hh)	New U.S.-flagged Sailing School Vessels with IBAs, Liferafts, Lifeboats, or Rescue Boats	Removes requirements that toolkits on lifeboats on sailing school vessels meet the requirements of § 169.529(hh) and instead proposes they must meet the requirements of § 199.175(b)(38).	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(hh) and 199.175(b)(38) are identical.
Whistle	§ 169.529(jj)	New U.S.-Flagged Sailing School Vessels with IBAs, Liferafts, Lifeboats, or Rescue Boats	Removes requirement that whistles on lifeboats on sailing school vessels meet the requirements of § 169.529(jj) and instead proposes they must meet the requirements of § 199.175(b)(41).	This is an administrative change that would allow the Coast Guard to consolidate its survival craft equipment standards, and the requirements of §§ 169.529(jj) and 199.175(b)(41) are identical.

Total Cost Savings

Table 39 presents the total annualized cost savings of this NPRM to both industry and the Federal Government for the 10-year period of analysis. The Coast Guard estimates an annualized cost savings of approximately $345,509 with a 3-percent discount rate and $344,875 with a 7-percent discount rate.

Table 39: Total Annualized Cost Savings to Industry and Federal Government

Year	Total Cost Savings	Annualized Cost Savings	
		3%	7%
(a)	(b)	(c)=(b)/1.03[(a)]	(d)=(b)/1.07[(a)]
1	-$339,138	-$329,260	-$316,952
2	-$339,138	-$319,670	-$296,217
3	-$339,423	-$310,620	-$277,071
4	-$339,423	-$301,573	-$258,944
5	-$339,708	-$293,035	-$242,207
6	-$352,305	-$295,050	-$234,756
7	-$352,590	-$286,688	-$219,576
8	-$352,590	-$278,338	-$205,211
9	-$352,875	-$270,450	-$191,941
10	-$352,875	-$262,572	-$179,384
Total	**-$3,460,068**	**-$2,947,258**	**-$2,422,257**
Annualized		**-$345,509**	**-$344,875**

Note: Totals may not sum due to rounding.

Discussion of Alternatives

When creating this proposed rule, the Coast Guard considered three alternatives. In this section, we examine how the cost of the proposal would change with each alternative.

Alternative 1:

No Action

Using this alternative, the Coast Guard would accept the status quo and not replace the current approval requirements with an international consensus standard. This alternative would not harmonize with international standards, nor reduce the burden to industry. This would incur approximately $345,000 in annual costs, with no estimated benefits.

Alternative 2:

Preferred Alternative— Remove the Need for Coast Guard Approval

Using this alternative, the Coast Guard would implement the proposed changes in table 1 regarding the removal of Coast Guard approval standards. This would lead to an estimated $345,000 in annual cost savings without any estimated reduction in benefits, as this analysis shows.

Alternative 3:

Remove the Need for Coast Guard Approval and Marking Requirements

Under this alternative, the Coast Guard would still implement the changes proposed in the preferred alternative, but would, in addition, remove the requirement that equipment be marked to indicate it meets ISO 25862, ISO 17339, or ISO 18813. This would lead to an additional annual cost savings of approximately $366,862. We estimate this by multiplying 254,765 pieces of equipment by $1.62 (allowing 0.06 hours × $27 clerical rate per hour for the time and cost to mark each piece of equipment). This would lead to a total cost savings of $711,737, which we calculated by adding the additional savings from no markings ($366,862) to the total estimated cost savings of this proposed rule, as shown in alternative 2 ($345,000).

We reject this alternative for the preferred alternative, since eliminating the markings would make it impossible for the Coast Guard to verify if equipment is in compliance with regulations. This alternative could potentially lead to a decrease in safety, if vessel owners and operators purchased ISO non-compliant products that were not sufficiently safe or reliable

for usage onboard a survival craft. The potential for the additional burden on the Coast Guard to research and ascertain the compliance status of a piece of survival craft equipment could lead to much more significant costs than the current additional cost of $366,862 from marking equipment.

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard expects that this proposed rule would not have a significant economic impact on small entities. We expect this proposed rule to result in net cost savings to regulated entities.

We estimate there to be 11,139 unique vessel operators and 16 equipment manufacturers affected by this proposed rule. For this analysis, we presumed any company for which we were not able to find Small Business Administration (SBA) size data to be a small entity. An estimated 94 percent of the regulated entities (including the companies without SBA size data) are considered to be small by SBA industry size standards. Using MISLE data, the Coast Guard estimates there to be 11,155 unique companies affected in this proposed rule. We estimate that the average costs to equipment manufacturers would be reduced by $1,445 per year, and the average costs to vessel owners and operators would be reduced by $37.14 per year as a result of removing Coast Guard approval for the equipment subject to the proposed rulemaking. We calculate that 100 percent of the 10,487 ($0.94 \times 11,155$) small vessel operators and 100 percent of small equipment manufacturers impacted by this proposed rule would have a cost savings less than 1 percent of their annual revenue. No small governmental jurisdictions would be impacted by this proposed rule.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the docket at the address listed in the **ADDRESSES** section of this preamble. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This proposed rule would call for a revision to an approved collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Title 46 CFR Subchapter Q: Lifesaving, Electrical, Engineering and Navigation Equipment, Construction and Materials & Marine Sanitation Devices (33 CFR 159).

OMB Control Number: 1625–0035.

Summary of the Collection of Information: The Coast Guard currently collects information from lifesaving equipment manufacturers under 46 CFR subchapter Q. The current information collection request (ICR), 201811–1625–005 (OMB Control Number 1625–0035), accounts for the following collections of information: New Approval Applications, Renewal Approval Applications, Manufacturer Recordkeeping, Servicing Facility Recordkeeping, Servicing Facility Problem Reports, Instruction Materials, Markings, Production Tests and Laboratory Inspections, and Independent Laboratory Applications and Recognized Laboratory Applications.

Need for Information: The Coast Guard needs this information to ensure that the manufactured safety equipment meets minimum levels of performance safety and helps prevent death, injuries, and property damage associated with commercial maritime operations.

Proposed Use of Information: The Coast Guard uses the technical plans, drawings, specifications, instruction materials, and markings to determine compliance with the technical regulatory requirements for each piece of equipment. Independent laboratory reports ensure that product and material testing complies with the applicable Coast Guard regulations. Production testing reports ensure that the production stock of the equipment is identical to the stock that was originally tested and approved by the Coast Guard. Independent and recognized laboratory applications ensure that the laboratories have the technical capabilities to conduct the required testing and are independent for the organizations whose products they will test.

Description of the Respondents: The respondents are manufacturers of the safety equipment subject to Coast Guard approval, independent and recognized laboratories that conduct testing of the equipment, and liferaft servicing facilities.

Number of Respondents: The Coast Guard estimates there to be 856 respondents, comprised of 480 equipment manufacturers, 233 liferaft servicing facilities, 139 accepted independent laboratories, and 4 recognized independent laboratories. The proposed rule would impact 16 of these respondents. We do not expect it to reduce the total number of respondents because equipment manufacturers may still manufacture other Coast Guard-approved lifesaving equipment that is not subject to the proposed rule.

Frequency of Response: The number of responses per year will vary by requirement. New application materials,

instructions, and markings are required with the initial COA application, and renewal application materials, instructions, and markings are required 5 years after the initial application. Production test records and laboratory inspection records are required to be kept annually. The Coast Guard estimates the proposed rule would reduce the number of responses for the following collections of information, presented in table 40, along with the current estimated time to complete each collection.

Table 40: Time Burden Estimate by Application Type	
New Application	2 hours
Renewal Applications	0.5 hours
Manufacturer Records	0.17 hours
Instruction Materials for Renewal Applications	2 hours
Packing Instruction Materials	0.1 hours
Markings for New Products	0.1 hours
Marking for Revisions	0.1 hours
Testing Records	2 hours
Laboratory Inspection Records	24 hours

In table 41, we estimate the reduction in the number of annual responses based on application type.

Table 41: Number of Responses Reduced Annually by Application Type			
Response Type	**Previous Iteration of ICR Appendix B**	**Change in Burden**	**Updated of ICR Appendix B**
New Application	82	1	81
Renewal Applications	544	6	538
Manufacturer Records	2,715	27	2,688
Instruction Materials for Renewal Applications	273	1	272
Packing Instruction Materials	272,200	800	271,400
Markings for New Products	13,575	5	13,570
Marking for Revisions	108,600	40	108,560
Testing Records	1,828	6	1,820
Laboratory Inspection Records	1,828	6	1,820

Burden of Response: The proposed rule would not modify the burden of response for any other existing collections of information.

Estimate of Total Annual Burden: The current ICR estimates the total annual burden to be 114,586 hours. As a result of the proposed rule, we estimate the annual burden would be 86,430 hours, for an annual reduction of 28,156 hours. We adjusted the burden to account for errors in Appendix A of the current ICR, which added 253 hours to the estimated annual burden. Together, these changes account for a total annual reduction in burden of 27,903 hours. These changes are summarized in table 42.

Table 42: Summary of the Change in Burden	
Baseline Total Burden	114,586
Program Changes	-27,903
Adjustment Changes	-253
Total Changes	-28,156
Proposed Total Burden	86,430

As required by 44 U.S.C. 3507(d), we will submit a copy of this proposed rule to OMB for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine, among other things—

- How useful the information is;
- Whether the information can help us perform our functions better;
- How we can improve the quality, usefulness, and clarity of the information;
- Whether the information is readily available elsewhere;
- How accurate our estimate is of the burden of collection;
- How valid our methods are for determining the burden of collection; and
- How we can minimize the burden of collection.

If you submit comments on the collection of information, submit them by the date listed in the **DATES** section of this preamble to both the OMB and to the docket where indicated under **ADDRESSES**.

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the Coast Guard could enforce the collection of information requirements in this proposed rule, OMB would need to approve the Coast Guard's request to collect this information.

E. Federalism

A rule has implications for federalism under Executive Order 13132 (Federalism) if it has a substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under Executive Order 13132 and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved by Congress for regulation by the Coast Guard. It is also well settled that all of the categories regulated under 46 U.S.C. 2103, 3103, 3306, 3703, 4102, 4502, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke* and *Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000). This proposed rule involves the design, maintenance, and equipping of vessels, specifically, certain survival craft equipment that is required to be carried in survival craft and rescue boats on certain, specified U.S.-flagged vessels. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule would have implications for federalism under Executive Order 13132, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

F. Unfunded Mandates

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100 million (adjusted for inflation) or more in any one year. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform) to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards and Incorporation by Reference

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule uses technical standards developed by voluntary consensus standards bodies to meet the stringent equipment requirements for survival craft and rescue boats onboard U.S.-flagged vessels. These standards provide internationally accepted and recognized parameters which the equipment must meet in order to ensure its safety, proper usage, and preservation on the seas. The standards being incorporated were developed by either the American Society for Testing and Materials (ASTM) or the ISO, which are voluntary consensus standard-setting organizations. The sections that reference these standards and the locations where these standards are available are listed in 46 CFR parts 160 and 199.

Two ASTM standards would be updated and incorporated by reference in this rulemaking: (1) ASTM F 1003–02 ''Standard Specification for Searchlights on Motor Lifeboats'' (2007); and (2) ASTM F 1014–02 ''Standard Specification for Flashlights on Vessels'' (2002). These ASTM standards specify requirements for construction, including materials, dimensions, performance and/or capability. The newer versions are not materially different from the previous versions. We do not propose to update the third ASTM standard already incorporated in § 199.05, ASTM 93–97, ''Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.''

The following three ISO standards listed here would be incorporated by reference in this rulemaking:

1. ISO 18813, Ships and marine technology—Survival equipment for survival craft and rescue boats.

This standard specifies design, performance, and use of various items of survival equipment carried in survival craft and rescue boats complying with the International Convention for the Safety of Life at Sea (SOLAS), 1974 (as amended), and the International Maritime Organization Life-Saving Appliance Code (LSA Code). It also includes guidelines for maintenance and periodic inspections for many items.

2. ISO 25862, Ships and marine technology—Marine magnetic compasses, binnacles and azimuth reading devices.

This standard gives requirements regarding construction and performance of marine magnetic compasses for navigation and steering purposes, binnacles and azimuth reading devices.

3. ISO 17339, Ships and marine technology—Life saving and fire protection—Sea anchors for survival craft and rescue boats.

This standard specifies requirements for the design, performance and prototype testing of sea anchors for survival craft (liferafts and lifeboats) and rescue boats in accordance with the LSA Code.

With this rulemaking, we also propose to update our incorporation by reference of Resolution MSC.4(48) International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code), 1994, and the International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk, (IGC Code), 1993, to reflect the updated editions. No changes to the specific referenced material have been made between those older editions and the 2016 editions. The IBC Code provides an international standard for the safe transport by sea of dangerous and noxious liquid chemicals in bulk. The purpose of the IGC Code is to provide an international standard for the safe transport by sea in bulk of liquefied gases and certain other substances.

Consistent with 1 CFR part 51 incorporation by reference provisions, this material is reasonably available. Interested persons have access to it through their normal course of business, may purchase it from the organization identified in 46 CFR 160.046–3, 169.115 or 199.05 or online (via the internet), or may view a copy by means we have identified in those sections. Members and representatives of the regulated industries are also participants in the standards development organizations.

If you disagree with our analysis of these standards or are aware of standards that might apply but are not listed, please send a comment explaining your disagreement or identifying additional standards to the docket using one of the methods listed in the **ADDRESSES** section of this preamble.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. This proposed rule would be categorically excluded under paragraphs L52, L57, and L58 of Table 1 in Appendix A of DHS Directive 023–01–001–01, Rev. 1. CATEX L52 pertains to regulations concerning vessel and operation safety standards. Paragraph L57 pertains to regulations concerning manning, documentation, admeasurements, inspection, and equipping of vessels. Paragraph L58

pertains to regulations concerning equipment approval and carriage requirements.

This proposed rule is intended to remove the Coast Guard type approval requirement for some survival craft equipment, and replace it with the requirement that the manufacturer self-certify that their equipment complies with a consensus standard. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

46 CFR Part 121

Communications equipment, Marine safety, Navigation (water), Passenger vessels.

46 CFR Part 160

Incorporation by reference, Lifesaving equipment, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 169

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Schools, Vessels.

46 CFR Part 184

Communications equipment, Marine safety, Navigation (water), Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 199

Cargo vessels, Incorporation by reference, Lifesaving systems for certain inspected vessels, Marine safety, Oil and gas exploration, Passenger vessels, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 46 CFR parts 121, 160, 169, 184, and 199 as follows:

PART 121—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 121.710 to read as follows:

§ 121.710 First-aid kits.

A vessel must carry either a first-aid kit that meets the requirements in 46 CFR 199.175(b)(10) or a kit with equivalent contents and instructions. For equivalent kits, the contents must be stowed in a suitable, watertight container that is marked ''First-Aid Kit''. A first-aid kit must be easily visible and readily available to the crew.

PART 160—LIFESAVING EQUIPMENT

■ 3. The authority citation for part 160 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3103, 3306, 3703, 4102, 4302, and 4502 and Department of Homeland Security Delegation No. 0170.1, para. II, (92)(b).

■ 4. Revise § 160.010–3(a)(12)(ii) and (e)(7)(ii) to read as follows:

§ 160.010–3 Inflatable buoyant apparatus.

(a) * * *

(12) * * *

(ii) *Knives.* One knife, of a type designed to minimize the chance of damage to the inflatable buoyant apparatus and secured with a lanyard ready for use near the painter attachment. Any knife may be replaced with a jackknife meeting the requirements in 46 CFR 199.175(b)(16). In addition, an inflatable buoyant apparatus which is permitted to accommodate 13 persons or more must be provided with a second knife that is of the non-folding type;

* * * * *

(e) * * *

(7) * * *

(ii) *First-aid kit.* A first-aid kit as described in 46 CFR 199.175(b)(10);

* * * * *

Subpart 160.013—[Removed and Reserved]

■ 5. Remove and reserve subpart 160.013.

Subpart 160.026—[Removed and Reserved]

■ 6. Remove and reserve subpart 160.026.

Subpart 160.041—[Removed and Reserved]

■ 7. Remove and reserve subpart 160.041.

Subpart 160.043—[Removed and Reserved]

■ 8. Remove and reserve subpart 160.043.

Subpart 160.044—[Removed and Reserved]

■ 9. Remove and reserve subpart 160.044.

■ 10. Add subpart 160.046 to read as follows:

Subpart 160.046—Emergency Provisions

Sec.
160.046–1 Scope.
160.046–3 Incorporation by reference.
160.046–5 General requirements for emergency provisions.
160.046–7 Independent laboratory.
160.046–9 Manufacturer certification and labeling.
160.046–11 Manufacturer notification.

§ 160.046 –1 Scope.

Emergency provisions approved to be carried in lifeboats and liferafts.

§ 160.046–3 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG–4), U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7501, telephone 202–372–1426, email *typeapproval@uscg.mil.* It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.* All approved material is available from the sources listed in this section.

(b) International Standard Organization (ISO), BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland, *http://www.iso.org,* telephone +41 22 749 01 11, email *central@iso.org.*

(1) ISO 18813:2006 Ships and marine technology—Survival equipment for survival craft and rescue boats, 2006, IBR approved for §§ 160.046–5, 160.046–7, and 160.046–11.

(2) [Reserved]

§ 160.046–5 General requirements for emergency provisions.

Emergency provisions must meet the requirements found in ISO 18813:2006 paragraph 4.31 (incorporated by reference, see § 160.046–3).

§ 160.046–7 Independent laboratory.

Unless the Commandant directs otherwise, an independent laboratory accepted by the Coast Guard under 46 CFR 159.010 must perform or witness, as appropriate, inspections, tests, and oversight required by ISO 18813:2006 paragraph 4.31 (incorporated by reference, see § 160.046–3). Approval and production tests of emergency provisions must be carried out in accordance with the procedures for

independent laboratory inspections in 46 CFR 159.007 and in this section unless the Commandant authorizes alternative tests and inspections. The Commandant may prescribe additional production tests and inspections necessary to maintain quality control and to monitor compliance with the requirements of this subpart.

§ 160.046–9 Manufacturer certification and labeling.

(a) Each emergency provision must be certified by the manufacturer as complying with the requirements of this subpart.

(b) The container should be clearly and permanently marked with:

(1) The name and address of the approval holder;

(2) The U.S. Coast Guard Approval number;

(3) The total food energy value of provisions in the container in Calories and kiloJoules;

(4) The lot number;

(5) The month and year the provision was packed; and

(6) The month and year of expiration (5 years after the date of packing).

(c) The emergency provision must include waterproof instructions for use, assuming consumption of 3350 kiloJoules per person per day.

§ 160.046–11 Manufacturer notification.

Each manufacturer of emergency provisions approved in accordance with the specifications of this subpart must send a test report required by ISO 18813:2006 paragraph 4.31.2 (incorporated by reference, see § 160.046–3) to the Commandant (CG–ENG–4), U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509 or email *typeapproval@uscg.mil:*

(a) With the application for approval;

(b) Every year as long as the manufacturer continues to produce provisions; and

(c) Each time the contents of the emergency provisions change.

■ 11. Revise § 160.051–11(b) to read as follows:

§ 160.051–11 Equipment required for Coastal Service inflatable liferafts.

* * * * *

(b) *Knife.* One knife, of a type designed to minimize the chance of damage to the inflatable liferaft and secured with a lanyard. In addition, an inflatable liferaft which is permitted to accommodate 13 persons or more must be provided with a second knife that is of the non-folding type. Any knife may be replaced with a jackknife meeting the requirements in 46 CFR 199.175(b)(16).

* * * * *

Subpart 160.054—[Removed and Reserved]

■ 12. Remove and reserve subpart 160.054.

Subpart 160.061—[Removed and Reserved]

■ 13. Remove and reserve subpart 160.061.

■ 14. Revise § 160.135–7(b)(23) to read as follows:

§ 160.135–7 Design, construction, and performance of lifeboats.

* * * * *

(b) * * *

(23) *Bilge pump.* Each lifeboat that is not automatically self-bailing must be fitted with a manual bilge pump that meets the requirements in 46 CFR 199.175(b)(2). Each such lifeboat with a capacity of 100 persons or more must carry an additional manual bilge pump or an engine-powered bilge pump.

* * * * *

■ 15. Revise § 160.151–21(b), (h), (o), and (q) through (s) to read as follows:

§ 160.151–21 Equipment required for SOLAS A and SOLAS B inflatable liferafts.

* * * * *

(b) *Jackknife (IMO LSA Code, as amended by Resolution MSC.293(87), Chapter IV/4.1.5.1.2).* Each folding knife must be a jackknife meeting the requirements in 46 CFR 199.175(b)(16).

* * * * *

(h) *First-aid kit (IMO LSA Code, as amended by Resolution MSC.293(87), Chapter IV/4.1.5.1.8).* Each first-aid kit must meet the requirements in 46 CFR 199.175(b)(10).

* * * * *

(o) *Signalling mirror (IMO LSA Code, as amended by Resolution MSC.293(87), Chapter IV/4.1.5.1.15).* Each signalling mirror must meet the requirements in 46 CFR 199.175(b)(19).

* * * * *

(q) *Fishing tackle (IMO LSA Code, as amended by Resolution MSC.293(87), Chapter IV/4.1.5.1.17).* The fishing tackle must meet the requirements in 46 CFR 199.175(b)(11).

(r) *Food rations (IMO LSA Code, as amended by Resolution MSC.293(87), Chapter IV/4.1.5.1.18).* The food rations must meet the requirements in 46 CFR 199.175(b)(22).

(s) *Drinking water (IMO LSA Code, as amended by Resolution MSC.293(87), Chapter IV/4.1.5.1.19).* Emergency drinking water must meet the requirements in 46 CFR 199.175(b)(40). The desalting apparatus or reverse osmosis desalinator must be approved by the Commandant under subpart 160.058 of this part.

* * * * *

■ 16. Revise § 160.156–7(b)(22) to read as follows:

§ 160.156–7 Design, construction and performance of rescue boats and fast rescue boats.

* * * * *

(b) * * *

(22) *Manual bilge pump.* Each rescue boat that is not automatically self-bailing must be fitted with a manual bilge pump that meets the requirements in 46 CFR 199.175(b)(2), or an engine-powered bilge pump.

* * * * *

PART 169—SAILING SCHOOL VESSELS

■ 17. The authority citation for part 169 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306, 6101; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp., p. 793; Department of Homeland Security Delegation No. 0170.1; § 169.117 also issued under the authority of 44 U.S.C. 3507.

■ 18. Revise § 169.527 to read as follows:

§ 169.527 Required equipment for lifeboats.

(a) All lifeboats must be equipped in accordance with Table 1 to § 199.175 of this chapter except as provided in paragraphs (b) and (c) of this section.

(b) The following equipment must be carried in addition to the equipment required under § 199.175 of this chapter:

(1) Cover;

(2) Ditty bag; and

(3) Mast and sail.

(c) If operating on protected waters, lifeboat equipment need only to consist of the following:

(1) Boathook—(1);

(2) Bucket—(1);

(3) Fire extinguisher—(2) U.S Coast Guard approved Type B–C (motor propelled lifeboats only);

(4) Hatch—(1);

(5) Lifeline—(1);

(6) Oar unit—(1);

(7) Painter—(1);

(8) Plug—(1);

(9) Oarlock unit—(1); and

(10) Toolkit (motor propelled lifeboats only).

■ 19. Revise § 169.529 to read as follows:

§ 169.529 Description of lifeboat equipment.

(a) All lifeboat equipment must meet the requirements under § 199.175 of this chapter, except as provided in paragraph (b) of this section.

(b) The following equipment, carried in addition to the equipment required under § 199.175 of this chapter, must meet the following requirements:

(1) *Cover, protecting.* The cover must be of highly visible color and capable of protecting the occupants against exposure. A cover is not required for fully enclosed lifeboats.

(2) *Ditty bag.* The ditty bag must consist of a canvas bag or equivalent and must contain a sailmaker's palm, needles, sail twine, marline, and marlin spike, except that motor-propelled lifeboats need not carry a ditty bag.

(3) *Mast and sail.* A unit, consisting of a standing lug sail together with the necessary spars and rigging, must be provided in accordance with Table 1 to this section, except that motor-propelled lifeboats need not carry a mast or sails. The sails must be of good quality canvas, or other material acceptable to the Commandant, colored Indian Orange (Cable No. 70072, Standard Color Card of America). Rigging must consist of galvanized wire rope not less than three-sixteenths inch in diameter. The mast and sail must be protected by a suitable cover.

TABLE 1 TO § 169.529

Length of lifeboat, feet		Standing lug sail											Mast[1]			Yard[1]		
			Luff and head lengths		Leach length		Foot length		Clew to throat				Length			Length		
Over—	Not over—	Area, square feet	Feet	Inches	Feet	Inches	Feet	Inches	Feet	Inches	Ounces per square yard	Commercial designation number	Feet	Inches	Diameter, inches	Feet	Inches	Diameter, inches
	17	58	5	11	12	1	8	10	10	10	14.35	10	11	2	3	6	11	2
17	19	74	6	8	13	8	10	0	12	2	14.35	10	12	6	3	7	8	2
19	21	93	7	5	15	1	11	2	13	8	14.35	10	13	10	3½	8	5	2½
21	23	113	8	3	16	11	12	4	15	1	14.35	10	15	2	3½	9	3	2½
23	25	135	9	0	18	6	13	6	16	6	14.35	10	16	6	4	10	0	3
25	27	158	9	9	20	0	14	7	17	10	17.50	8	17	10	4	10	9	3
27	29	181	10	5	21	5	15	7	19	1	17.50	8	19	2	4½	11	5	3¼
29	31	203	11	0	22	8	16	6	20	3	20.74	6	20	6	4½	12	0	3¼
31[2]																		

[1]Mast lengths measured from heel to center of upper halyard sheave. Mast diameters measured at thwart. Mast and yard shall be of clear-grained spruce, fir, or equivalent.

[2]Subject to special consideration.

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

■ 20. The authority citation for part 184 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 21. Revise § 184.710 to read as follows:

§ 184.710 First-aid kits.

A vessel must carry either a first-aid kit that meets the requirements in 46 CFR 199.175(b)(10) or a kit with equivalent contents and instructions. For equivalent kits, the contents must be stowed in a suitable, watertight container that is marked ''First-Aid Kit''. A first-aid kit must be easily visible and readily available to the crew.

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

■ 22. The authority citation for part 199 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3103, 3306, 3703; and Department of Homeland Security Delegation No. 0170.1, para. II, (92)(b).

■ 23. Revise § 199.05 to read as follows:

§ 199.05 Incorporation by reference.

(a) Certain material is incorporated by reference in this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG–4), U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7501, telephone 202–372–1426 or email *typeapproval@uscg.mil.* It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov,* or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html.* All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference (IBR) in this part and the sections affected are as follows:

(1) American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, 610–832–9500, *http://www.astm.org,* telephone +1 610 832 9500, email *service@astm.org.*

(i) ASTM D 93–97, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, 1997, IBR approved for §§ 199.261 and 199.290.

(ii) ASTM F 1003–02, Standard Specification for Searchlights on Motor Lifeboats, 2007, IBR approved for § 199.175.

(iii) ASTM F 1014–02, Standard Specification for Flashlights on Vessels, 2002, IBR approved for § 199.175.

(2) International Maritime Organization (IMO), Publications Section, 4 Albert Embankment, London, SE1 7SR, United Kingdom, *http://www.imo.org,* telephone +44 (0)20 7735 7611, email *info@imo.org.*

(i) MSC Circular 699, Revised Guidelines for Passenger Safety Instructions, 17 July 1995, IBR approved for § 199.217.

(ii) Resolution A.520(13), Code of Practice for the Evaluation, Testing and Acceptance of Prototype Novel Life-saving Appliances and Arrangements, 17 November 1983, IBR approved for § 199.40.

(iii) Resolution A.657(16), Instructions for Action in Survival Craft, 19 November 1989, IBR approved for § 199.175.

(iv) Resolution A.658(16), Use and Fitting of Retro-reflective Materials on Life-saving Appliances, 20 November 1989, IBR approved for §§ 199.70 and 199.176.

(v) Resolution A.760(18), Symbols Related to Life-saving Appliances and Arrangements, 17 November 1993, IBR approved for §§ 199.70 and 199.90.

(vi) International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code), 2016, Chapter 17, IBR approved for § 199.30 and Chapter 2 approved for § 199.280.

(vii) International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk, (IGC Code), 2016, Chapter 19, IBR approved for § 199.30, and Chapter 2, IBR approved for § 199.280.

(3) International Standard Organization (ISO), BIBC II, Chemin de Blandonnet 8, CP 401, 1214 Vernier, Geneva, Switzerland, *http://www.iso.org/,* telephone +41 22 749 01 11, email *central@iso.org.*

(i) ISO 18813:2006 Ships and marine technology—Survival equipment for survival craft and rescue boats, 2006, IBR approved for § 199.175.

(ii) ISO 25862:2009 Ships and marine technology—Marine magnetic compasses, binnacles and azimuth reading devices, 2009, IBR approved for § 199.175.

(iii) ISO 17339:2018 Ships and marine technology—Life saving and fire protection— Sea anchors for survival craft and rescue boats, 2018, IBR approved for § 199.175.

■ 24. Amend § 199.175 as follows:

■ a. Revise paragraph (a)(4);

■ b. Redesignate paragraph (a)(5) as paragraph (a)(6);

■ c. Add a new paragraph (a)(5);

■ d. Revise paragraphs (b) introductory text, (b)(2), (5), (6), (9), (10), (11), (13), and (16) and (b)(17)(i) and (ii);

■ e. Adding paragraph (b)(17)(iii);

■ f. Revise paragraphs (b)(19), (b)(27)(i), and (b)(40);

■ g. Add paragraph (c); and

■ h. Revise the heading for the table to § 199.175 and entries 5 and 17 of the table and add note 11 to the table.

The revisions and additions read as follows:

§ 199.175 Survival craft and rescue boat equipment.

(a) * * *

(4) Must be packed in a suitable and compact form;

(5) Must be marked with either the Coast Guard approval number or the standard that the product meets, as applicable; and

* * * * *

(b) Each lifeboat, rigid liferaft, and rescue boat, unless otherwise stated in this paragraph (b), must carry the equipment listed in this paragraph (b) and specified for it in Table 1 to this section under the vessel's category of service. A lifeboat that is also a rescue boat must carry the equipment in the table column marked for a lifeboat.

* * * * *

(2) *Bilge pump.* The bilge pump must meet the requirements in ISO 18813:2006 paragraph 4.3 (incorporated by reference, see § 199.05) and must be installed in a ready-to-use condition.

* * * * *

(5) *Can opener.* A can opener must meet the requirements in ISO 18813:2006 paragraph 4.43 (incorporated by reference, see § 199.05). A can opener may be in a jackknife meeting the requirements in paragraph (b)(16) of this section.

(6) *Compass.* The compass and its mounting arrangement must meet the requirements in ISO 18813:2006 paragraph 4.6 (incorporated by reference, see § 199.05).

(i) In a totally enclosed lifeboat, the compass must be permanently fitted at the steering position; in any other boat it must be provided with a binnacle, if necessary, to protect it from the weather, and with suitable mounting arrangements.

(ii) The compass must be tested in accordance with the provisions in ISO 25862:2009 Annex H (incorporated by

reference, see § 199.05) by an independent laboratory accepted by the Coast Guard in accordance with part 159, subpart 159.010, of this chapter.

* * * * *

(9) *Fire extinguisher.* The fire extinguisher must be approved under part 162, subpart 162.028, of this chapter. The fire extinguisher must have a rating of a 40–B:C. Two 10–B:C extinguishers may be carried in place of a 40–B:C extinguisher. Extinguishers with larger numerical ratings or multiple letter designations may be used instead of the requirements in the preceding sentences.

(10) *First-aid kit.* Each first-aid kit must meet the requirements in ISO 18813:2006 paragraph 4.12 (incorporated by reference, see § 199.05).

(i) A first-aid kit may be considered acceptable if it meets all of the requirements of ISO 18813:2006 paragraph 4.12, except that it does not contain the burn preparation. It must be clearly marked on the first-aid kit that it does not include the burn preparations.

(ii) Medicinal products must be approved by the U.S. Food and Drug Administration.

(11) *Fishing kit.* The fishing kit must meet the requirements in ISO 18813:2006 paragraph 4.13 (incorporated by reference, see § 199.05).

* * * * *

(13) *Hatchet.* The hatchet must be suitable for cutting a rope towline or painter in an emergency and must not require assembly or unfolding.

(i) The hatchet must be at least 14 inches in length and have a cutting edge of approximately 3-¼ inches in length, with a hardened steel or equivalent alloy head.

(ii) The hatchet must be provided a lanyard at least 3 feet in length.

(iii) The hatchet must be stowed in brackets near the release mechanism and, if more than one hatchet is carried, the hatchets must be stowed at opposite ends of the boat.

* * * * *

(16) *Jackknife.* The jackknife must consist of a one-bladed knife fitted with a can opener and attached to the boat by its lanyard. The jackknife must meet the requirements in ISO 18813:2006 paragraph 4.19 (incorporated by reference, see § 199.05).

(17) * * *

(i) The knife for a rigid liferaft must be secured to the raft by a lanyard and stowed in a pocket on the exterior of the canopy near the point where the painter is attached to the liferaft. If an approved jackknife is substituted for the second knife required on a liferaft equipped for 13 or more persons, the jackknife must also be secured to the liferaft by a lanyard.

(ii) The knife in an inflatable or rigid-inflatable rescue boat must be of a type designed to minimize the possibility of damage to the fabric portions of the hull.

(iii) Any knife may be replaced with a jackknife meeting the requirements in paragraph (b)(16) of this section.

* * * * *

(19) *Mirror.* The signalling mirror must meet the requirements in ISO 18813:2006 paragraph 4.23 (incorporated by reference, see § 199.05).

* * * * *

(27) * * *

(i) The sea anchor for a lifeboat, rescue boat, and rigid liferaft must meet the requirements in ISO 17339:2018 (incorporated by reference, see § 199.05).

* * * * *

(40) *Water.* The water must meet the requirements in ISO 18813:2006 paragraph 4.46 (incorporated by reference, see § 199.05).

(i) The water must meet the U.S. Public Health Service ''Drinking Water Standards'' in 40 CFR part 141 to suitably protect the container against corrosion. After treatment and packing, the water must be free from organic matter, sediment and odor. It must have a pH between 7.0 and 9.0 as determined by means of a standard pH meter using glass electrodes. Water quality must be verified by the local municipality or independent laboratory accepted by the Coast Guard in accordance with part 159, subpart 159.010, of this chapter.

(ii) Containers of emergency drinking water must be tested in accordance with the provisions in ISO 18813:2006 by an independent laboratory accepted by the Coast Guard in accordance with part 159, subpart 159.010, of this chapter.

(iii) Up to one-third of the emergency drinking water may be replaced by a desalting apparatus approved under part 160, subpart 160.058, of this chapter that is capable of producing the substituted amount of water in 2 days.

(iv) Up to two-thirds of the emergency drinking water may be replaced by a manually powered, reverse osmosis desalinator approved under part 160, subpart 160.058, of this chapter that is capable of producing the substituted amount of water in 2 days.

* * * * *

(c) Any Coast Guard approved equipment on board before [EFFECTIVE DATE OF FINAL RULE] may remain on board as long as it remains in good and serviceable condition.

Table 1 to § 199.175—Survival Craft Equipment

Item No.	Item	International voyage			Short international voyage		
		Lifeboat	Rigid liferaft (SOLAS A pack)	Rescue boat	Lifeboat	Rigid liferaft (SOLAS B pack)	Rescue boat
* * * * * * *							
5	Can opener[11]	3	3		3		
* * * * * * *							
17	Knife[1 4 11]	1	1	1	1	1	1
* * * * * * *							

Dated: September 18, 2020.

R.V. Timme,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2020–21032 Filed 10–2–20; 8:45 am]

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Charging Helps Agencies Realize General Efficiencies Act (Oct. 1, 2020; 134 Stat. 753)

S. 3105/P.L. 116–161
To designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the ''Richard G. Lugar Post Office''. (Oct. 1, 2020; 134 Stat. 755)

Last List October 2, 2020

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